

2004 FISHERIES PROPOSALS

FEDERAL SUBSISTENCE MANAGEMENT PROGRAM

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PROPOSAL F2004 - 1

Existing regulation: Norton Sound - Port Clarence Area

§____.27(i)(2)(ii) *In the Norton Sound District, you may take fish at any time except as follows:*

(B) In the Unalakleet River from June 1 through July 15, you may take salmon only from 8:00 a.m. Monday until 8:00 p.m. Saturday;

Proposed regulation: Norton Sound - Port Clarence Area

§____.27(i)(2)(ii) *In the Norton Sound District, you may take fish at any time except as follows:*

*(B) In the Unalakleet River from June 1 through July 15, you may take salmon only from 8:00 a.m. Monday until 8:00 p.m. Saturday. **The Unalakleet National Wild and Scenic River (upstream from the Chirosky River) is closed to guided sport fishing for salmon from June 10 through September 15;***

Reason for changing the regulation: Current closures of salmon fishing exist for commercial and subsistence fisheries while guided sport fishing is allowed 24 hours a day, 7 days a week.

Effect of change on fish or shellfish populations: Reduce the catch of spawning salmon already in the river. The major spawning areas are above Chirosky and would help guarantee the “escape” fish to reproduce.

Effect of change on subsistence users: On short term, increase the ability to harvest salmon for drying. Long term, help perpetuate our salmon and avoid long range alterations of the ecosystem.

Additional Information: The major spawning habitat of salmon are within the Wild and Scenic River. Subsistence use of the resource occurs while camping, hunting, or fishing along the water corridor of the Wild and Scenic River. While subsistence fishers use other streams and tributaries, the Unalakleet River bears the brunt of fishing for the winter. Closing the Wild and Scenic River to guided sport fishing would:

1. Minimize any possible adverse impact on subsistence use.
2. Decrease recreational use of the fish so that the increased pressure on the salmon will not surpass the area’s use capabilities or the salmon’s capabilities to spawn.
3. Protect spawning salmon. The decline of the population of salmon shows that the salmon are not maintaining their historic population levels. The population declines are evident with the kings and more recently (last year) the coho.
4. The decline of salmon reduces the value of the Wild and Scenic River, and the negative impact is significant and contrary to preserving the river in its free-flowing condition.

Proposed by: Weaver Ivanoff, Unalakleet

PROPOSAL F2004 - 2

Existing regulation: Methods, means, and general restrictions

§ __.27(c)(11) *Transactions Between Rural Residents.* Rural residents may exchange in customary trade subsistence-harvested fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from other rural residents. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(12) *Transactions Between a Rural Resident and Others.* In customary trade, a rural resident may trade fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from individuals other than rural residents if the individual who purchases the fish, their parts, or their eggs uses them for personal or family consumption. If you are not a rural resident, you may not sell fish, their parts, or their eggs taken under the regulations in this part. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(13) *No Sale to, nor Purchase By, Fisheries Businesses.* (i) You may not sell fish, their parts, or their eggs taken under the regulations in this part to any individual, business, or organization required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 or to any other business as defined under Alaska Statute 43.70.110(1) as part of its business transactions.

(ii) If you are required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 or are a business as defined under Alaska Statute 43.70.110(1), you may not purchase, receive, or sell fish, their parts, or their eggs taken under the regulations in this part as part of your business transactions.

Proposed regulation: Methods, means, and general restrictions

§ __.27(c)(11) *Transactions Between Rural Residents.* Rural residents may exchange in customary trade subsistence-harvested fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from other rural residents. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(i) Customary trade of salmon or salmon products harvested from the Yukon River drainage is prohibited at any time a stock is determined by the Alaska Board of Fisheries to be a management or biological “stock of concern.”

(12) *Transactions Between a Rural Resident and Others.* In customary trade, a rural resident may trade fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from individuals other than rural residents if the individual who purchases the fish, their parts, or their eggs uses them for personal or family consumption. If you are not a rural resident, you may not sell fish, their parts, or their eggs taken under the regu-

lations in this part. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(i) Customary trade of salmon or salmon products harvested from the Yukon River drainage is prohibited at any time a stock is determined by the Alaska Board of Fisheries to be a management or biological “stock of concern.”

(13) No Sale to, nor Purchase By, Fisheries Businesses. (i) You may not sell fish, their parts, or their eggs taken under the regulations in this part to any individual, business, or organization required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 or to any other business as defined under Alaska Statute 43.70.110(1) as part of its business transactions.

(ii) If you are required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 or are a business as defined under Alaska Statute 43.70.110(1), you may not purchase, receive, or sell fish, their parts, or their eggs taken under the regulations in this part as part of your business transactions.

Reason for changing the regulation: The protection of salmon resource and to provide a reasonable opportunity throughout the drainage for the rural local subsistence consumptive use and/or barter of a limited resource. The broad definition of “customary trade” does not define the subsistence/commercial sale of salmon or salmon products during times when these stocks may have serious conservation concerns.

Effect of change on fish or shellfish populations: It will have a positive impact, that the resource will not be over harvested. And that future customary trade opportunity will be provided once the salmon stocks have recovered.

Effect of change on subsistence users: It will limit the sale of salmon or salmon products by subsistence fishermen during times that the resource is in trouble; however, it will not negatively impact the subsistence personal consumptive use and/or barter as provided for in Title VIII of ANILCA.

Additional Information:

Proposed by: Richard Burnham, Kaltag

PROPOSAL F2004 - 3

Existing regulation: Methods, means, and general restrictions

§ __.27(c)(11) *Transactions Between Rural Residents.* Rural residents may exchange in customary trade subsistence-harvested fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from other rural residents. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(12) *Transactions Between a Rural Resident and Others.* In customary trade, a rural resident may trade fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from individuals other than rural residents if the individual who purchases the fish, their parts, or their eggs uses them for personal or family consumption. If you are not a rural resident, you may not sell fish, their parts, or their eggs taken under the regulations in this part. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(13) *No Sale to, nor Purchase By, Fisheries Businesses.* (i) You may not sell fish, their parts, or their eggs taken under the regulations in this part to any individual, business, or organization required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 or to any other business as defined under Alaska Statute 43.70.110(1) as part of its business transactions.

(ii) If you are required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 or are a business as defined under Alaska Statute 43.70.110(1), you may not purchase, receive, or sell fish, their parts, or their eggs taken under the regulations in this part as part of your business transactions.

Proposed regulation: Methods, means, and general restrictions

§ __.27(c)(11) *Transactions Between Rural Residents.* Rural residents may exchange in customary trade subsistence-harvested fish, **or** their parts, **or** their eggs, legally taken under the regulations in this part, for cash from other rural residents. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(12) *Transactions Between a Rural Resident and Others.* In customary trade, a rural resident may trade fish, **or** their parts, **or** their eggs, legally taken under the regulations in this part, for cash from individuals other than rural residents if the individual who purchases the fish, their parts, or their eggs uses them for personal or family consumption. If you are not a rural resident, you may not sell fish, their parts, or their eggs taken under the regulations in this part. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(13) No Sale to, nor Purchase By, Fisheries Businesses. (i) You may not sell fish, or their parts, or their eggs taken under the regulations in this part to any individual, business, or organization required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 (commercial limited entry permit or crew license holders excluded) or to any other business as defined under Alaska Statute 43.70.110(1) as part of its business transactions.

(ii) If you are required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 (commercial limited entry permit or crew license holders excluded) or are a business as defined under Alaska Statute 43.70.110(1), you may not purchase, receive, or sell fish, or their parts, or their eggs taken under the regulations in this part as part of your business transactions.

Reason for changing the regulation: Modify Customary Trade regulations §__.27(c) (11, 12, 13) to fit customary and traditional practices on the Yukon River and to allow enforcement to prevent abuse. To fit the customary and traditional practices and to allow enforcement to prevent abuse. Also, make it clear that Section 13(a & b) do not apply to CFEC and crew license permit holders.

Effect of change on fish or shellfish populations: No change from customary and traditional impacts.

Effect of change on subsistence users: Protect customary and traditional uses by subsistence users.

Additional Information:

Proposed by: Yukon River Drainage Fisheries Association, Anchorage

PROPOSAL F2004 – 4Y

Existing regulation: Methods, means, and general restrictions

§ __.27(c)(11) *Transactions Between Rural Residents.* Rural residents may exchange in customary trade subsistence-harvested fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from other rural residents. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(12) *Transactions Between a Rural Resident and Others.* In customary trade, a rural resident may trade fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from individuals other than rural residents if the individual who purchases the fish, their parts, or their eggs uses them for personal or family consumption. If you are not a rural resident, you may not sell fish, their parts, or their eggs taken under the regulations in this part. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(13) *No Sale to, nor Purchase By, Fisheries Businesses.* (i) You may not sell fish, their parts, or their eggs taken under the regulations in this part to any individual, business, or organization required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 or to any other business as defined under Alaska Statute 43.70.110(1) as part of its business transactions.

(ii) If you are required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 or are a business as defined under Alaska Statute 43.70.110(1), you may not purchase, receive, or sell fish, their parts, or their eggs taken under the regulations in this part as part of your business transactions.

Proposed regulation: Methods, means, and general restrictions

§ __.27(c)(11) *Transactions Between Rural Residents.* Rural residents may exchange in customary trade subsistence-harvested fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from other rural residents. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(12) *Transactions Between a Rural Resident and Others.* In customary trade, a rural resident may trade fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from individuals other than rural residents if the individual who purchases the fish, their parts, or their eggs uses them for personal or family consumption. If you are not a rural resident, you may not sell fish, their parts, or their eggs taken under the regulations in this part. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(i) Non-rural residents may not purchase or receive in customary trade for cash any subsistence-harvested fish, their parts, or their eggs that are harvested on federal lands and waters within the Calista-AVCP region.

(13) No Sale to, nor Purchase By, Fisheries Businesses. (i) You may not sell fish, their parts, or their eggs taken under the regulations in this part to any individual, business, or organization required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 or to any other business as defined under Alaska Statute 43.70.110(1) as part of its business transactions.

(ii) If you are required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 or are a business as defined under Alaska Statute 43.70.110(1), you may not purchase, receive, or sell fish, their parts, or their eggs taken under the regulations in this part as part of your business transactions.

Reason for changing the regulation: The AVCP full board, the Yukon-Kuskokwim Delta Federal Subsistence Regional Advisory Council, and numerous individual testifiers at meetings over the past two years have made it absolutely clear that the customs and traditions of the people of the Y-K Delta do not allow for the virtually unlimited cash sales of subsistence-caught fish, parts, and eggs to non-rural residents that the current federal regulations would allow. Respecting the customary and traditional values of our region on this issue is particularly important during these times of low salmon numbers on the Kuskokwim and Yukon, when the ability to meet genuine rural subsistence needs in the region is uncertain.

Effect of change on fish or shellfish populations: Respecting our regional traditions on this matter would further the conservation of salmon and other fish species, insofar as it would prevent anyone who might abuse the current regulations from engaging in extensive cash sales of fish to persons outside of rural Alaska, especially when salmon numbers may be low, and the ability to meet desired escapement from year to year may be uncertain. While strong social prohibitions in our villages effectively prevent most village residents from engaging in this kind of abuse, the population of our region is growing, and there are many newcomers to our region, some of whom may not understand or value customary restraints that prevent extensive quasi-commercial sales of salmon for “individual or family consumption” in urban areas of Alaska or beyond, and some of whom may see “customary trade” as a way to make a lot of money, without any concern for the future of our fish stocks.

Effect of change on subsistence users: Rural subsistence users will be better assured the ability to meet their subsistence needs, especially as to salmon or other fish species that may be at low numbers. They will also be assured that federal subsistence regulations will not authorize abuses of subsistence protections on the Yukon-Kuskokwim Delta that would be disrespectful of strongly held customary and traditional values here in our region.

Additional Information: This proposal is supported by the resolution of the AVCP full board, passed in March of 2002, which reflects the collective judgment of the tribal leaders of our region as to the limits of which sales of fish, their eggs, and parts are consistent with custom and tradition in the region. It is also supported by the October 2002 recommendation of the Yukon-Kuskokwim Delta Federal Subsistence Regional Advisory Council, which suggested a different

(but similarly conservative) approach to customary trade in the region, based around “historical documented amounts.” Finally, this proposal is supported by substantial testimony by residents of the Y-K Delta at numerous meetings over the past two years, as to their understanding of how limited the range of sales that would fit within the customs and traditions of our region truly is. (See, for example, the public testimony provided at the two Yukon-Kuskokwim Delta Federal Subsistence Regional Advisory Council meetings that were held in Tuntutuliak and Bethel, during February and March of 2002.)

Proposed by: Association of Village Council Presidents, Bethel

PROPOSAL F2004 - 5

Existing regulation: Yukon-Northern Area - Salmon

§ __.27(i)(3)(xv) *In Districts 4, 5, and 6, you may not take salmon for subsistence purposes by drift gillnets, except as follows:*

(A) In Subdistrict 4—A upstream from the mouth of Stink Creek, you may take king salmon by drift gillnets less than 150 feet in length from June 10 through July 14, and chum salmon by drift gillnets after August 2;

(B) In Subdistrict 4—A downstream from the mouth of Stink Creek, you may take king salmon by drift gillnets less than 150 feet in length from June 10 through July 14.

Proposed regulation: Yukon-Northern Area - Salmon

§ __.27(i)(3)(xv) *In Districts 4, 5, and 6, you may not take salmon for subsistence purposes by drift gillnets, except as follows:*

(A) In Subdistrict 4—A upstream from the mouth of Stink Creek, you may take king salmon by drift gillnets less than 150 feet in length from June 10 through July 14, and chum salmon by drift gillnets after August 2;

(B) In Subdistrict 4—A downstream from the mouth of Stink Creek, you may take king salmon by drift gillnets less than 150 feet in length from June 10 through July 14.

(C) In Subdistricts 4 B and C downstream from the mouth of of the Yuki River, you may take king salmon by drift gillnet less than 150 feet in length from June 10 through July 14, and chum salmon by drift gillnets after August 2.

Reason for changing the regulation: The subsistence drift gill net fishing area where residents of the Village of Koyukuk fish in District 4A is always imposed on by fishers coming from the surrounding villages due the lack of drift net fishing areas nearer their communities because of existing regulations. Spreading the fishing pressure to other areas would help relieve the competition for the few important fishing sites near the Village of Koyukuk and would not increased harvest of king salmon.

If this problem is not solved, competition will increase on the 4A drift gill net sites and it will be more difficult for resident the Village of Koyukuk to meet their subsistence needs. In addition, the subsistence fishers from other communities will continue to impact drift gill net fishing sites in 4A, travel long distances to meet their subsistence needs for salmon, burn more fuel to reach these sites, and be at a higher safety risk because of time/distance travel needs. There will be over crowding at the traditional fishing sites for the Village of Koyukuk. Ruby and Galena fishers all are traveling further at great expense to congest an area where other villages are already harvesting.

Effect of change on fish or shellfish populations: This change would help spread the harvest out to other areas of the river and would not likely increase the overall harvest for chinook or chum salmon.

Effect of change on subsistence users: This proposal would improve the quality of the resource because many of the subsistence fishers would have a shorter distance to travel back to their communities for final preparation and storage. The subsistence fishers for the middle Yukon villages would benefit from passage of this proposal especially those who now have to travel long distances to drift net for their subsistence needs.

Additional Information:

Proposed by: Western Interior Regional Advisory Council

PROPOSAL F2004 - 6

Existing regulation: Yukon-Northern Area - Salmon

§ _____.27(i)(3)(xvi) *Unless otherwise specified in this section, you may take fish other than salmon and halibut by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, subject to the following restrictions, which also apply to subsistence salmon fishing:*

(E) In Birch Creek, gillnet mesh size may not exceed 3-inches stretch-measure.

Proposed regulation: Yukon-Northern Area - Salmon

§ _____.27(i)(3)(xvi) *Unless otherwise specified in this section, you may take fish other than salmon and halibut by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, subject to the following restrictions, which also apply to subsistence salmon fishing:*

(E) In Birch Creek, gillnet mesh size may not exceed 3-inches stretch-measure from June 15 – September 15.

Reason for changing the regulation: Current regulations are the product of a desire to align with State regulations and to protect spawning Chinook and chum salmon. Current regulations restrict gillnet mesh size year round to protect spawning salmon. The same objective can be accomplished with a 3-month restriction period.

Effect of change on fish or shellfish populations: It would allow subsistence fishermen to use traditional gear 9-months of the year to catch some of the larger pike, sheefish, and whitefish for example. This change would not be expected to detrimentally impact these freshwater species.

Effect of change on subsistence users: Subsistence fishermen would be able to use traditional gear 9-months of the year while salmon would have the additional protection while they were present. Current harvest levels would be expected to be lower than they were prior to the 1970s.

Additional Information:

Proposed by: Craig Fleener, Fairbanks

PROPOSAL F2004 - 7

Existing regulation: Yukon-Northern Area - Salmon

§____.27(i)(3)(xvi) *Unless otherwise specified in this section, you may take fish other than salmon and halibut by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, subject to the following restrictions, which also apply to subsistence salmon fishing:*

(E) In Birch Creek, gillnet mesh size may not exceed 3-inches stretch-measure.

Proposed regulation: Yukon-Northern Area - Salmon

§____.27(i)(3)(xvi) *Unless otherwise specified in this section, you may take fish other than salmon and halibut by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, subject to the following restrictions, which also apply to subsistence salmon fishing:*

(E) In Birch Creek, gillnet mesh size may not exceed 3-inches stretch-measure from June 15 – September 5.

Reason for changing the regulation: This proposal will allow the subsistence fishers of Birch Creek to use traditional gear to target sheefish and other whitefish species, while providing protection for the salmon species that migrate through the Birch Creek area, by restricting the use of the larger mesh size during salmon runs.

Effect of change on fish or shellfish populations: The new regulations, by allowing subsistence fishers to return to traditional fishing practices, should have no adverse effects on these species.

Effect of change on subsistence users: The new regulations will improve the per catch effort for subsistence fishers in the Birch Creek area wanting to use traditional gear to target sheefish and other river fish, throughout the year. This proposal will also assist area residents to maintain their traditional diets, in the face of reduced salmon run strength and salmon subsistence fishing season restrictions and closures.

Additional Information: The subsistence fishers of Birch Creek are the main harvesters of this resource; however, some subsistence harvesters from other local villages may also harvest whitefish in this area. Whitefish, and especially sheefish, within the mouth of Birch Creek are targeted mainly during the spring (May-June) and fall (September-October), although traditionally the resources has also been fished during the winter months.

Proposed by: Davy James, Native Village of Fort Yukon

PROPOSAL F2004 - 8

Existing regulation: Yukon-Northern Area - Salmon

§____.27(i)(3)(i) *Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically restricted by this paragraph (i)(3) of this section.*

Proposed regulation: Yukon-Northern Area - Salmon

§____.27(i)(3)(i) *Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically restricted by this paragraph (i)(3) of this section. **Waters under Federal jurisdiction within the Yukon River drainage are closed to the commercial harvest of chinook salmon and chum salmon through February 28, 2010.***

Reason for changing the regulation: This proposal will decrease pressure on in-season fisheries managers, applied by the commercial salmon industry to open commercial fishing on stocks in a low point of productivity. This proposal will significantly increase escapement of unmolested female salmon onto spawning grounds. This proposal will effectively protect salmon stocks for an entire life cycle, while increasing escapement and allowing the U.S. to meet its treaty obligations to Canada.

Effect of change on fish or shellfish populations: The new regulations will halt the commercial harvest of a mixed stock fishery at a low point of productivity. This will eventually return Alaska wild stock salmon to historic levels.

Effect of change on subsistence users: The new regulations will allow subsistence harvesters along the Yukon River to meet their needs, while rebuilding the wild salmon stocks.

Additional Information:

Proposed by: Davy James, Native Village of Fort Yukon

PROPOSAL F2004 - 9

Existing regulation: Yukon-Northern Area - Salmon

§ _____.27(i)(3)(ii) *For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.*

Proposed regulation: Yukon-Northern Area - Salmon

§ _____.27(i)(3)(ii) *For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action, except as follows:*

(A) In Districts 1, 2, and 3, no more than two 18 hour salmon fishing periods per week.

Reason for changing the regulation: The subsistence fishing schedule should be adjusted to allow for a more equitable opportunity to all subsistence users throughout the Yukon River drainage. Currently, the windowed schedule is not sufficient to meet subsistence user needs in the upper river villages nor are spawning escapement needs being met on Canadian chinook salmon. Initially, more salmon are available in the lower river districts and many fishers are able to meet their annual subsistence salmon needs.

Effect of change on fish or shellfish populations: Adoption of this proposed change may help conserve the larger female chinook salmon since they would be subjected to the large mesh gear used in the lower river Districts for a shorter period of time. These shorter fishing periods in the lower river may also help to meet spawning escapement needs in tributaries. There is evidence that suggests that chinook salmon stocks in the Tozitna River may have already been altered genetically through selected harvests using large mesh gill net gear. This selective chinook salmon harvest using larger mesh gear are likely producing smaller salmon as a result. Any reduction in fishing time with the larger mesh chinook salmon fishing gear would only benefit all stocks subject to harvest as they migrate through the lower river districts.

Effect of change on subsistence users: All users will benefit from increased escapements past the lower river Districts. Subsistence users in the upper river villages would likely see improvement in their subsistence catches. This change would also help spread the harvest out to other areas in the river and would not likely impact the overall harvest for chinook or chum salmon.

Additional Information:

Proposed by: Eastern Interior Regional Advisory Council

PROPOSAL F2004 - 10

Existing regulation: Yukon-Northern Area - Salmon

§____.27(i)(3)(i) *Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically restricted by this paragraph (i)(3) of this section.*

Proposed regulation: Yukon-Northern Area - Salmon

§____.27(i)(3)(i) *Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically restricted by this paragraph (i)(3) of this section. **Waters under Federal jurisdiction within the Yukon River drainage are closed to the commercial harvest of chinook salmon when commercial harvest numbers of 65,000 have been reached and are closed to the commercial harvest chum salmon (summer and fall runs) when a total commercial harvest of 80,000 has been reached.***

Reason for changing the regulation: This proposal would return the commercial chinook fisheries to the pre-1961 quota system in Federally-controlled waters, to a sustainable level of harvest. This proposal would also set a similar limit for the commercial chum fisheries within Federal waters, to a sustainable harvest level. The new regulations would also stop fisheries management errors that are a result of depending on statistical models to allow commercial harvesting of wild stock salmon to an arbitrary biological escapement goal. This regulation would allow the U.S. to meet its salmon escapement treaty obligations to Canada.

Effect of change on fish or shellfish populations: The new regulations will would rapidly rebuild salmon stocks to historic levels.

Effect of change on subsistence users: The new regulations would ensure that wild salmon stocks exist for subsistence fishers now and for future generations.

Additional Information:

Proposed by: Gwichyaa Gwich'in Village council, Fort Yukon

PROPOSAL F2004 - 11

Existing regulation: Yukon-Northern Area - Salmon

§____.27(i)(3(iii) *In the following locations, you may take salmon during the open weekly fishing periods of the State commercial salmon fishing season and may not take them for 24 hours before the opening of the State commercial salmon fishing season:*

(A) In District 4, excluding the Koyukuk River drainage;

(B) In Subdistricts 4-B and 4-C from June 15 through September 30, salmon may be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday and from 6:00 p.m. Wednesday until 6:00 p.m. Friday;

(C)

(iv) During any State commercial salmon fishing season closure of greater than five days in duration, you may not take salmon during the following periods in the following districts:

(A) In District 4, excluding the Koyukuk River drainage, salmon may not be taken from 6:00 p.m. Friday until 6:00 p.m. Sunday;

(B)

(v)

(vi) In Districts 1, 2, 3, and Subdistrict 4-A, excluding the Koyukuk and Innoko River drainages, you may not take salmon for subsistence purposes during the 24 hours immediately before the opening of the State commercial salmon fishing season.

(vii) In Districts 1, 2, and 3:

(A) After the opening of the State commercial salmon fishing season through July 15, you may not take salmon for subsistence for 18 hours immediately before, during, and for 12 hours after each State commercial salmon fishing period;

(B) After July 15, you may not take salmon for subsistence for 12 hours immediately before, during, and for 12 hours after each State commercial salmon fishing period.

(viii) In Subdistrict 4-A after the opening of the State commercial salmon fishing season, you may not take salmon for subsistence for 12 hours immediately before, during, and for 12 hours after each State commercial salmon fishing period; however, you may take king salmon during the State commercial fishing season, with drift gillnet gear only, from 6:00 p.m. Sunday until 6:00 p.m. Tuesday and from 6:00 p.m. Wednesday until 6:00 p.m. Friday.

Proposed regulation: Yukon-Northern Area - Salmon

~~§ __.27(i)(3(iii) In the following locations, you may take salmon during the open weekly fishing periods of the State commercial salmon fishing season and may not take them for 24 hours before the opening of the State commercial salmon fishing season:~~

~~(A) In District 4, excluding the Koyukuk River drainage;~~

~~(B) In Subdistricts 4-B and 4-C from June 15 through September 30, salmon may be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday and from 6:00 p.m. Wednesday until 6:00 p.m. Friday;~~

~~(C)~~

~~(iv) During any State commercial salmon fishing season closure of greater than five days in duration, you may not take salmon during the following periods in the following districts:~~

~~(A) In District 4, excluding the Koyukuk River drainage, salmon may not be taken from 6:00 p.m. Friday until 6:00 p.m. Sunday;~~

~~(B)~~

~~(v)~~

~~(vi) In Districts 1, 2, 3, and Subdistrict 4-A, excluding the Koyukuk and Innoko River drainages, you may not take salmon for subsistence purposes during the 24 hours immediately before the opening of the State commercial salmon fishing season.~~

~~(vii) In Districts 1, 2, and 3:~~

~~(A) After the opening of the State commercial salmon fishing season through July 15, you may not take salmon for subsistence for 18 hours immediately before, during, and for 12 hours after each State commercial salmon fishing period;~~

~~(B) After July 15, you may not take salmon for subsistence for 12 hours immediately before, during, and for 12 hours after each State commercial salmon fishing period.~~

~~(viii) In Subdistrict 4-A after the opening of the State commercial salmon fishing season, you may not take salmon for subsistence for 12 hours immediately before, during, and for 12 hours after each State commercial salmon fishing period; however, you may take king salmon during the State commercial fishing season, with drift gillnet gear only, from 6:00 p.m. Sunday until 6:00 p.m. Tuesday and from 6:00 p.m. Wednesday until 6:00 p.m. Friday.~~

Reason for changing the regulation: Current regulation for subsistence is cut off before, during and after a State Commercial fish opening. I propose that the restrictions placed on subsistence be entirely lifted so rural peoples can go back to their traditional lifestyles and

subsistence fish anytime as before and not be heavily burdened with schedules we never had before. Rural peoples have always planned ahead and weather watching was the main reason for going out, not by a clockwatch. All these regulations placed upon us have been heavily felt in our hearts. All our people have lost the most sensitive and harmonious lifestyle that keeps our families together. We no longer are able to contribute to the very essence of our lives including absolute respect for fish and game which was taught by our grandfathers and grandmothers.

Effect of change on fish or shellfish populations: There will be no impact on fish populations; the only impact to come will come from outside; we have always taken great care of our resources and now these changes have put a barrier between these resources and our peoples.

Effect of change on subsistence users: This change will bring subsistence back into our own hands and we will go back to living in harmony with each other and our elders will go back to their responsibilities.

Additional Information:

Proposed by: Mike Moses, Asa'carsarmiut Tribe, Mountain Village

PROPOSAL F2004 – 12Y

Existing regulation: Methods, means, and general restrictions

§____.27(c)(7) *You may use kegs or buoys of any color but red on any permitted gear.*

Proposed regulation: Methods, means, and general restrictions

§____.27(c)(7) *You may use kegs or buoys of any color but red on any permitted gear, **except in the Yukon River downstream from the lower mouth of Paimiut Slough, where kegs or buoys of any color, including red, may be used.***

Reason for changing the regulation: Federal subsistence regulations at 50 C.F.R. section 100.27(c)(7) currently prohibit the use of red kegs or buoys on subsistence fishing gear. Federal subsistence regulations would be changed regarding gear specifications so that the prohibition on the use of red buoys on subsistence nets is removed. Subsistence fishing families across the AVCP region possess and use either red or orange buoys to mark and float their subsistence fishing nets. State and federal regulations currently prohibit the use of red buoys on subsistence fishing nets. This prohibition is unnecessary, as subsistence and commercial fishing activities do not occur simultaneously and there should be no need for families to have to purchase additional and different colored buoys for their subsistence fishing nets.

Effect of change on fish or shellfish populations: This proposal would have no effect on salmon populations, as it has only to do with buoy color specifications.

Effect of change on subsistence users: It would allow subsistence fishing families who already possess and use either red or orange buoys to mark and float their subsistence nets to continue to do so, and to eliminate the need to purchase new buoys by those who currently own either only red or orange buoys for their commercial and subsistence gear.

Additional Information: This proposal is supported by the full board of AVCP through the a resolution, 03-03-04, which was passed at AVCP's special convention in Bethel on March 20, 2003.

Proposed by: Association of Village Council Presidents, Bethel

PROPOSAL F2004 – 4K

Existing regulation: Methods, means, and general restrictions

§ __.27(c)(11) *Transactions Between Rural Residents.* Rural residents may exchange in customary trade subsistence-harvested fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from other rural residents. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(12) *Transactions Between a Rural Resident and Others.* In customary trade, a rural resident may trade fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from individuals other than rural residents if the individual who purchases the fish, their parts, or their eggs uses them for personal or family consumption. If you are not a rural resident, you may not sell fish, their parts, or their eggs taken under the regulations in this part. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(13) *No Sale to, nor Purchase By, Fisheries Businesses.* (i) You may not sell fish, their parts, or their eggs taken under the regulations in this part to any individual, business, or organization required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 or to any other business as defined under Alaska Statute 43.70.110(1) as part of its business transactions.

(ii) If you are required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 or are a business as defined under Alaska Statute 43.70.110(1), you may not purchase, receive, or sell fish, their parts, or their eggs taken under the regulations in this part as part of your business transactions.

Proposed regulation: Methods, means, and general restrictions

§ __.27(c)(11) *Transactions Between Rural Residents.* Rural residents may exchange in customary trade subsistence-harvested fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from other rural residents. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(12) *Transactions Between a Rural Resident and Others.* In customary trade, a rural resident may trade fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from individuals other than rural residents if the individual who purchases the fish, their parts, or their eggs uses them for personal or family consumption. If you are not a rural resident, you may not sell fish, their parts, or their eggs taken under the regulations in this part. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(ii) Non-rural residents may not purchase or receive in customary trade for cash any subsistence-harvested fish, their parts, or their eggs that are harvested on federal lands and waters of the Calista-AVCP region.

(13) No Sale to, nor Purchase By, Fisheries Businesses. (i) You may not sell fish, their parts, or their eggs taken under the regulations in this part to any individual, business, or organization required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 or to any other business as defined under Alaska Statute 43.70.110(1) as part of its business transactions.

(ii) If you are required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 or are a business as defined under Alaska Statute 43.70.110(1), you may not purchase, receive, or sell fish, their parts, or their eggs taken under the regulations in this part as part of your business transactions.

Reason for changing the regulation: The AVCP full board, the Yukon-Kuskokwim Delta Federal Subsistence Regional Advisory Council, and numerous individual testifiers at meetings over the past two years have made it absolutely clear that the customs and traditions of the people of the Y-K Delta do not allow for the virtually unlimited cash sales of subsistence-caught fish, parts, and eggs to non-rural residents that the current federal regulations would allow. Respecting the customary and traditional values of our region on this issue is particularly important during these times of low salmon numbers on the Kuskokwim and Yukon, when the ability to meet genuine rural subsistence needs in the region is uncertain.

Effect of change on fish or shellfish populations: Respecting our regional traditions on this matter would further the conservation of salmon and other fish species, insofar as it would prevent anyone who might abuse the current regulations from engaging in extensive cash sales of fish to persons outside of rural Alaska, especially when salmon numbers may be low, and the ability to meet desired escapement from year to year may be uncertain. While strong social prohibitions in our villages effectively prevent most village residents from engaging in this kind of abuse, the population of our region is growing, and there are many newcomers to our region, some of whom may not understand or value customary restraints that prevent extensive quasi-commercial sales of salmon for “individual or family consumption” in urban areas of Alaska or beyond, and some of whom may see “customary trade” as a way to make a lot of money, without any concern for the future of our fish stocks.

Effect of change on subsistence users: Rural subsistence users will be better assured the ability to meet their subsistence needs, especially as to salmon or other fish species that may be at low numbers. They will also be assured that federal subsistence regulations will not authorize abuses of subsistence protections on the Yukon-Kuskokwim Delta that would be disrespectful of strongly held customary and traditional values here in our region.

Additional Information: This proposal is supported by the resolution of the AVCP full board, passed in March of 2002, which reflects the collective judgment of the tribal leaders of our region as to the limits of which sales of fish, their eggs, and parts are consistent with custom and tradition in the region. It is also supported by the October 2002 recommendation of the Yukon-Kuskokwim Delta Federal Subsistence Regional Advisory Council, which suggested a different

(but similarly conservative) approach to customary trade in the region, based around “historical documented amounts.” Finally, this proposal is supported by substantial testimony by residents of the Y-K Delta at numerous meetings over the past two years, as to their understanding of how limited the range of sales that would fit within the customs and traditions of our region truly is. (See, for example, the public testimony provided at the two Yukon-Kuskokwim Delta Federal Subsistence Regional Advisory Council meetings that were held in Tuntutuliak and Bethel, during February and March of 2002.)

Proposed by: Association of Village Council Presidents, Bethel

PROPOSAL F2004 – 12K

Existing regulation: Methods, means, and general restrictions

§____.27(c)(7) *You may use kegs or buoys of any color but red on any permitted gear.*

Proposed regulation: Methods, means, and general restrictions

§____.27(c)(7) *You may use kegs or buoys of any color but red on any permitted gear, **except in the Kuskokwim River downstream from the mouth of the Aniak River, where kegs or buoys of any color, including red, may be used.***

Reason for changing the regulation: Federal subsistence regulations at 50 C.F.R. section 100.27(c)(7) currently prohibit the use of red kegs or buoys on subsistence fishing gear. Federal subsistence regulations would be changed regarding gear specifications so that the prohibition on the use of red buoys on subsistence nets is removed. Subsistence fishing families across the AVCP region possess and use either red or orange buoys to mark and float their subsistence fishing nets. State and federal regulations currently prohibit the use of red buoys on subsistence fishing nets. This prohibition is unnecessary, as subsistence and commercial fishing activities do not occur simultaneously and there should be no need for families to have to purchase additional and different colored buoys for their subsistence fishing nets.

Effect of change on fish or shellfish populations: This proposal would have no effect on salmon populations, as it has only to do with buoy color specifications.

Effect of change on subsistence users: It would allow subsistence fishing families who already possess and use either red or orange buoys to mark and float their subsistence nets to continue to do so, and to eliminate the need to purchase new buoys by those who currently own either only red or orange buoys for their commercial and subsistence gear.

Additional Information: This proposal is supported by the full board of AVCP through the a resolution, 03-03-04, which was passed at AVCP's special convention in Bethel on March 20, 2003.

Proposed by: Association of Village Council Presidents, Bethel

PROPOSAL F2004 – 13

Existing regulation: Kuskokwim Area

§ __.27(i)(4)(xv) *The maximum depth of gillnets is as follows:*

(A) Gillnets with 6-inch or smaller mesh may not be more than 45 meshes in depth;

(B) Gillnets with greater than 6-inch mesh may not be more than 35 meshes in depth.

Proposed regulation: Kuskokwim Area

§ __.27(i)(4)(xv) *The maximum depth of gillnets is ~~as follows:~~*

(A) ~~Gillnets with 6-inch or smaller mesh may not be more than 45 meshes in depth;~~

(B) Gillnets with greater than 6-inch mesh may not be more than 35 meshes in depth.

Reason for changing the regulation: Subsistence and commercial salmon fishing play a vital role in the health and well being, and economic and social self-determination of our villages in the Yukon and Kuskokwim drainages, and is customarily conducted with nets of eight-inch mesh, which are often the only nets families in our villages own. State and federal regulations currently prohibit the use of nets with greater than six-inch mesh if these nets are more than 35 meshes in depth, effectively banning the only fishing gear many families own. The theory that use of nets of eight-inch mesh preventing larger king salmon from reaching the spawning areas has not been researched or proven with scientific evidence and could even end up harming other species of concern, therefore undermining efforts to conserve summer chum salmon.

Effect of change on fish or shellfish populations: This proposal would have little or no effect on salmon populations, as it would allow what has been customarily practiced. Fishers aren't going to change gear, with or without this proposal – they aren't going to shell out the money to buy deeper mesh nets than they already use, merely because of this regulation, especially when 45 mesh depth nets are already the norm anyway.

Effect of change on subsistence users: Subsistence fishing families already distressed due to the lack of income would be spared the unnecessary and prohibitive expense of having to purchase new nets, which would create an otherwise immediate obstacle in the ability of them to engage in their subsistence way of life.

Additional Information: This proposal is supported by the full board of AVCP through the a resolution, 03-03-03, which was passed at AVCP's special convention in Bethel on March 20, 2003.

Proposed by: Association of Village Council Presidents, Bethel

PROPOSAL F2004-14 (deferred F2003-5)

Existing regulation: Bristol Bay Fishery Management Area**CUSTOMARY AND TRADITIONAL USE DETERMINATIONS**

Area	Species	Determination
<i>Nushagak District, including drainages flowing into the district</i>	<i>Salmon and freshwater fish</i>	<i>Residents of the Nushagak District and freshwater drainages flowing into the district.</i>
<i>Naknek-Kvichak District – Naknek River drainage</i>	<i>Salmon and freshwater fish</i>	<i>Residents of the Naknek and Kvichak River drainages.</i>
<i>Naknek-Kvichak District – Kvichak/Iliamna-Lake Clark drainage</i>	<i>Salmon and freshwater fish</i>	<i>Residents of the Kvichak/Iliamna-Lake Clark drainage.</i>
<i>Togiak District, including drainages flowing into the district</i>	<i>Salmon and freshwater fish</i>	<i>Residents of the Togiak District, freshwater drainages flowing into the district, and the community of Manokotak.</i>
<i>Egegik District, including drainages flowing into the district</i>	<i>All fish</i>	<i>Residents of the Bristol Bay Area.</i>
<i>Ugashik District, including drainages flowing into the district</i>	<i>All fish</i>	<i>Residents of the Bristol Bay Area.</i>
<i>Togiak District</i>	<i>Herring spawn on kelp</i>	<i>Residents of the Togiak District and freshwater drainages flowing into the district.</i>
<i>Remainder of the Bristol Bay Area</i>	<i>All fish</i>	<i>Residents of the Bristol Bay Area.</i>

Proposed regulation: Bristol Bay Fishery Management Area

CUSTOMARY AND TRADITIONAL USE DETERMINATIONS

Area	Species	Determination
<i>Nushagak District, including drainages flowing into the district</i>	<i>Salmon and freshwater fish</i>	<i>Residents of the Nushagak District and freshwater drainages flowing into the district.</i>
<i>Naknek-Kvichak District – Naknek River drainage</i>	<i>Salmon and freshwater fish</i>	<i>Residents of the Naknek and Kvichak River drainages.</i>
<i>Naknek-Kvichak District – Kvichak/Iliamna-Lake Clark drainage</i>	<i>Salmon and freshwater fish</i>	<i>Residents of the Kvichak/Iliamna-Lake Clark drainage.</i>
<i>Togiak District, including drainages flowing into the district</i>	<i>Salmon and freshwater fish</i>	<i>Residents of the Togiak District, freshwater drainages flowing into the district, and the community of Manokotak.</i>
<i>Egegik District, including drainages flowing into the district</i>	<i>All fish</i>	<i>Residents of the Bristol Bay Area.</i>
<i>Ugashik District, including drainages flowing into the district</i>	<i>All fish</i>	<i>Residents of the Bristol Bay Area.</i>
<i>Nushagak District, Naknek-Kvichak District – Naknek River drainage, Naknek-Kvichak District – Kvichak/Iliamna-Lake Clark drainage, Togiak District, Egegik District, Ugashik District, and all waters flowing into these districts</i>	<i>Halibut, herring, and herring roe on kelp</i>	<i>Residents of the Bristol Bay Area.</i>
<i>Togiak District</i>	<i>Herring spawn on kelp</i>	<i>Residents of the Togiak District and freshwater drainages flowing into the district.</i>
<i>Remainder of the Bristol Bay Area</i>	<i>All fish</i>	<i>Residents of the Bristol Bay Area.</i>

Reason for changing the regulation: We are requesting a change in the Customary and Traditional Use Determination to add halibut, herring, and herring roe on kelp for all of Bristol Bay with waters in Federal jurisdiction, for all residents of Bristol Bay. Currently it appears that

the rural residents of these districts were left out of the C&T determination for halibut, herring, and herring roe on kelp. This proposed change will correct the oversight.

Effect of change on fish or shellfish populations:

Effect of change on subsistence users: This change will affect subsistence users positively because it will provide them with opportunity to take halibut, herring, and herring roe on kelp in their management area.

Communities which have used this resource: All communities within Bristol Bay Area.

Where the resource has been harvested:

When the resource has been harvested: Halibut during the ice-free months. Herring and herring roe on kelp during May and June.

Additional Information:

Proposed by: Robert Heyano, Dillingham

PROPOSAL F2004 – 15

Existing regulation: Bristol Bay Area

CUSTOMARY AND TRADITIONAL USE DETERMINATIONS

Area	Species	Determination
<i>Nushagak District, including drainages flowing into the district</i>	<i>Salmon and freshwater fish</i>	<i>Residents of the Nushagak District and freshwater drainages flowing into the district.</i>
<i>Naknek-Kvichak District – Naknek River drainage</i>	<i>Salmon and freshwater fish</i>	<i>Residents of the Naknek and Kvichak River drainages.</i>
<i>Naknek-Kvichak District – Kvichak/Iliamna-Lake Clark drainage</i>	<i>Salmon and freshwater fish</i>	<i>Residents of the Kvichak/Iliamna-Lake Clark drainage.</i>
<i>Togiak District, including drainages flowing into the district</i>	<i>Salmon and freshwater fish</i>	<i>Residents of the Togiak District, freshwater drainages flowing into the district, and the community of Manokotak.</i>
<i>Egegik District, including drainages flowing into the district</i>	<i>All fish</i>	<i>Residents of the Bristol Bay Area.</i>
<i>Ugashik District, including drainages flowing into the district</i>	<i>All fish</i>	<i>Residents of the Bristol Bay Area.</i>
<i>Togiak District</i>	<i>Herring spawn on kelp</i>	<i>Residents of the Togiak District and freshwater drainages flowing into the district.</i>
<i>Remainder of the Bristol Bay Area</i>	<i>All fish</i>	<i>Residents of the Bristol Bay Area.</i>

Proposed regulation: Bristol Bay Area

CUSTOMARY AND TRADITIONAL USE DETERMINATIONS

Area	Species	Determination
<i>Nushagak District, including drainages flowing into the district</i>	<i>Salmon and freshwater fish</i>	<i>Residents of the Nushagak District and freshwater drainages flowing into the district.</i>
<i>Naknek-Kvichak District – Naknek River drainage</i>	<i>Salmon and freshwater fish</i>	<i>Residents of the Naknek and Kvichak River drainages</i>
<i>Naknek-Kvichak District – Kvichak/Iliamna-Lake Clark drainage</i>	<i>Salmon and freshwater fish</i>	<i>Residents of the Kvichak/ Iliamna-Lake Clark drainage.</i>
<i>Togiak District, including drainages flowing into the district</i>	<i>Salmon and freshwater fish</i>	<i>Residents of the Togiak District, freshwater drainages flowing into the district, and the community of Manokotak</i>
<i>Egegik District, including drainages flowing into the district.</i>	<i>All fish</i> <i>Salmon and freshwater fish</i>	<i>Residents of the Bristol Bay Area</i> <i>Residents of the Egegik District and freshwater drainages flowing into the district.</i>
<i>Ugashik District, including drainages flowing into the district.</i>	<i>All fish</i> <i>Salmon and freshwater fish</i>	<i>Residents of the Bristol Bay Area</i> <i>Residents of the Ugashik District and freshwater drainages flowing into the district.</i>
<i>Togiak District</i>	<i>Herring spawn on kelp</i>	<i>Residents of the Togiak District and freshwater drainages flowing into the district.</i>
<i>Remainder of the Bristol Bay Area</i>	<i>All fish</i>	<i>Residents of the Bristol Bay Area.</i>

Reason for changing the regulation: Egegik District and Ugashik District are recognized in both State and Federal fishery regulations as separate districts, distinct from the “Remainder of the Bristol Bay Area.” This change will align the Customary and Traditional Use determination for Egegik and Ugashik Districts with those for the other Bristol Bay Area Districts.

Effect of change on fish or shellfish populations: None.

Effect of change on subsistence users: Having an established C&T determination specific to each District will protect local subsistence users in times of shortage. Residents of the Bristol Bay Area can fish under current State regulations.

Additional Information:

Proposed by: Bristol Bay Regional Advisory Council

PROPOSAL F2004 - 16

Existing regulation: Methods, means, and general restrictions

§ __.27(c)(11) *Transactions Between Rural Residents.* Rural residents may exchange in customary trade subsistence-harvested fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from other rural residents. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(12) *Transactions Between a Rural Resident and Others.* In customary trade, a rural resident may trade fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from individuals other than rural residents if the individual who purchases the fish, their parts, or their eggs uses them for personal or family consumption. If you are not a rural resident, you may not sell fish, their parts, or their eggs taken under the regulations in this part. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(13) *No Sale to, nor Purchase By, Fisheries Businesses.* (i) You may not sell fish, their parts, or their eggs taken under the regulations in this part to any individual, business, or organization required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 or to any other business as defined under Alaska Statute 43.70.110(1) as part of its business transactions.

(ii) If you are required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 or are a business as defined under Alaska Statute 43.70.110(1), you may not purchase, receive, or sell fish, their parts, or their eggs taken under the regulations in this part as part of your business transactions.

Proposed regulation: Methods, means, and general restrictions

§ __.27(c)(11) *Transactions Between Rural Residents.* Rural residents may exchange in customary trade subsistence-harvested fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from other rural residents. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(i) In the Bristol Bay Fishery Management Area, the total cash value per household of salmon taken in the Bristol Bay Area and exchanged in customary trade or barter to rural residents may not exceed \$500.00 annually.

(12) *Transactions Between a Rural Resident and Others.* In customary trade, a rural resident may trade fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from individuals other than rural residents if the individual who purchases the fish, their parts, or their eggs uses them for personal or family consumption. If you are not a rural resident, you may not sell fish, their parts, or their eggs taken under the regu-

lations in this part. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(i) Subsistence harvested fish, their parts, or their eggs, purchased or otherwise acquired by individuals other than rural residents may not enter commerce at any point.

(ii) In the Bristol Bay Fishery Management Area, the total cash value per household of salmon taken in the Bristol Bay Area and exchanged in customary trade or barter between rural residents and individuals other than rural residents may not exceed \$400.00 annually. A subsistence fisheries harvest permit is required; all customary trade sales must be recorded on the customary trade record keeping form included on the back of the permit.

(13) No Sale to, nor Purchase By, Fisheries Businesses. (i) You may not sell fish, their parts, or their eggs taken under the regulations in this part to any individual, business, or organization required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 or to any other business as defined under Alaska Statute 43.70.110(1) as part of its business transactions.

(ii) If you are required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 or are a business as defined under Alaska Statute 43.70.110(1), you may not purchase, receive, or sell fish, their parts, or their eggs taken under the regulations in this part as part of your business transactions.

Reason for changing the regulation: We would like to change the most recent Customary Trade regulation. The Council would like a regulation that is representative of customary trade on a regional basis. The Council proposes a change in subparts 11 and 12. The Council supports 13 as written. This would regionalize the regulation and the Council feels this would allow law enforcement to better help monitor and police any abuses in the future.

Effect of change on fish or shellfish populations: This would not have any impact on the current fish and shellfish populations. It would not have any impact on shellfish as the current regulation only applies to subsistence caught salmon.

Effect of change on subsistence users: This would not impact subsistence users. They would have to acquire a permit from the appropriate federal land managers when conducting customary trade.

Additional Information:

Proposed by: Bristol Bay Regional Advisory Council

PROPOSAL F2004 - 17

Existing regulation: Bristol Bay Area – Rainbow Trout

§ __.27(i)(5)(xvii) *You may take rainbow trout only by rod and reel or jigging gear. Rainbow trout daily harvest and possession limits are 2 per day/2 in possession with no size limit April 10-October 31; 5 per day/5 in possession with no size limit November 1-April 9.*

Proposed regulation: Bristol Bay Area – Rainbow Trout

§ __.27(i)(5)(xvii) *You may take rainbow trout only by rod and reel or jigging gear. Rainbow trout daily harvest and possession limits are 2 per day/2 in possession with no size limit April 10-October 31; 5 per day/5 in possession with no size limit November 1-April 9. **The Ungalikthluk River and Negukthlik River drainages are closed to harvest April 10-June 7.***

Reason for changing the regulation: We believe that this regulation may have an adverse affect on the resident rainbow trout population in the Ungalikthluk and Negukthlik Rivers. These drainages are entirely within the exterior boundaries of Togiak Refuge (although a portion of the land along them belongs to the Twin Hills and Togiak village corporations). These rivers are also within the Togiak commercial herring fishing district. During the herring fishery the fleet has been referred to as “the seventh largest city in Alaska.” Many participants in this fishery are Bristol Bay residents, including residents from Togiak District, which qualifies them to participate in the subsistence rainbow trout harvest.

The commercial herring fishery usually occurs between mid-April to mid-May, which coincides with the rainbow trout spawning season. In the past an idle herring fleet (waiting for the commercial fishery to open) has been documented to heavily fish the Ungalikthluk and Negukthlik Rivers (Minard 1987). The Alaska Department of Fish and Game closed these drainages to sport fishing during the spawning season (April and May) by emergency order in 1986 and 1987. In 1990 the Alaska Board of Fisheries (BOF) made the closure permanent by regulation between April 10 to June 7. In 1990 Togiak Refuge staff presented information from a study of rainbow trout in these drainages to the BOF as justification for more conservative regulations (Harper 1990). The analysis indicated that there was a relatively small spawning population in the lower reaches of these drainages and these fish were very accessible to anglers during the spawning season. Radio telemetry data collected on this population indicates that these fish move between the two drainages, but are likely found in the lower 12 km (7 miles) of these drainages during the spawning season (Lisac 1996). The BOF believed that these concerns were valid and adopted a regulation requiring that all rainbow trout be immediately released between June 8 and October 31, and that only single-hook artificial lures be used year round. They still recognized a subsistence need for a winter fishery and allowed a 5 fish per day harvest limit between November 1 and April 9 under the sport fishing rules. No fishing was allowed April 10 to June 7.

Effect of change on fish or shellfish populations: This change will ensure that there is not a significant increase in angling effort and harvest on rainbow trout during the spring spawning season.

Effect of change on subsistence users: This change will protect the rainbow trout resource, thus increasing the likelihood that rainbow trout will persist as a subsistence resource at undiminished levels. This change is not anticipated to reduce subsistence fishing opportunities since only rod and reel fishing during the spring spawning season would be restricted. Harvest opportunity is allowed to occur during the winter ice fishery and incidentally during other subsistence fisheries throughout the entire year.

Additional Information:

Harper, Ken 1990. Single hook artificial lure and catch and release proposals for the western portion of Bristol Bay, Togiak National Wildlife Refuge. Report to the Alaska Board of Fisheries.

Lisac, M.J. 1996. Length frequency, age distribution and movements of rainbow trout in the Negukthlik and Ungalikthluk rivers, Togiak National Wildlife Refuge, Alaska, 1989-90. Alaska Fisheries Technical Report Number 35. USFWS Anchorage.

Minard, R. E. 1987. Sport Fishing Emergency Order, issued April 13, 1987. Closing the Ungalikthluk and Negukthlik River drainages to sport fishing from April 20 to June 7, 1987. E.O. No. 2-RT-509-9. ADFG Dillingham AK.

Proposed by: Togiak National Wildlife Refuge, Dillingham

PROPOSAL F2004 - 18

Existing regulation: Methods, means, and general restrictions

§ __.27(c)(11) *Transactions Between Rural Residents.* Rural residents may exchange in customary trade subsistence-harvested fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from other rural residents. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(12) *Transactions Between a Rural Resident and Others.* In customary trade, a rural resident may trade fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from individuals other than rural residents if the individual who purchases the fish, their parts, or their eggs uses them for personal or family consumption. If you are not a rural resident, you may not sell fish, their parts, or their eggs taken under the regulations in this part. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(13) *No Sale to, nor Purchase By, Fisheries Businesses.* (i) You may not sell fish, their parts, or their eggs taken under the regulations in this part to any individual, business, or organization required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 or to any other business as defined under Alaska Statute 43.70.110(1) as part of its business transactions.

(ii) If you are required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 or are a business as defined under Alaska Statute 43.70.110(1), you may not purchase, receive, or sell fish, their parts, or their eggs taken under the regulations in this part as part of your business transactions.

Proposed regulation: Methods, means, and general restrictions

§ __.27(c)(11) *Transactions Between Rural Residents.* Rural residents may exchange in customary trade subsistence-harvested fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from other rural residents. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(i) You may not exchange in customary trade subsistence-harvested fish, their parts, or their eggs taken from the Kenai Peninsula.

(12) *Transactions Between a Rural Resident and Others.* In customary trade, a rural resident may trade fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from individuals other than rural residents if the individual who purchases the fish, their parts, or their eggs uses them for personal or family consumption. If you are not a rural resident, you may not sell fish, their parts, or their eggs taken under the regu-

lations in this part. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(i) You may not exchange in customary trade subsistence-harvested fish, their parts, or their eggs taken from the Kenai Peninsula.

(13) No Sale to, nor Purchase By, Fisheries Businesses. (i) You may not sell fish, their parts, or their eggs taken under the regulations in this part to any individual, business, or organization required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 or to any other business as defined under Alaska Statute 43.70.110(1) as part of its business transactions.

(ii) If you are required to be licensed as a fisheries business under Alaska Statute, AS 43.75.011 or are a business as defined under Alaska Statute 43.70.110(1), you may not purchase, receive, or sell fish, their parts, or their eggs taken under the regulations in this part as part of your business transactions.

Reason for changing the regulation: The Kenai Peninsula is a large mix of nonrural, rural, and seasonal residents, and worldwide tourists fishing subsistence, commercial, personal use, sport and guided sport in both State and Federal waters. The chances of abuse and the consequences in the sale of subsistence-caught fish are too great to warrant this practice. We need to avoid even the impression of a “cottage industry” selling subsistence-caught salmon to tourists.

We considered two other solutions. One would ban only the sale on subsistence-caught fish to nonrural purchasers. The other would ban only the sale of subsistence-caught fish within the Peninsula road system area. Both were rejected because they would be extremely hard to enforce. And both were rejected because of this constant mix of rural, nonrural, and tourists that occurs throughout the Kenai Peninsula during the fishing season and, for that matter, for most of the year to some extent.

Effect of change on fish or shellfish populations: None. This is not a biological issue.

Effect of change on subsistence users: Little. Most subsistence users use and share their catch, a practice that will continue.

Additional Information: For this regulation the Kenai Peninsula is defined as only that portion of the Kenai Peninsula within the boundaries of the Kenai Peninsula Borough and further restricted to be within the Cook Inlet Fishery Management Area. This proposal should be enacted before unwarranted problems start.

Proposed by: Cooper Landing Fish and Game Advisory Committee, Cooper Landing

PROPOSAL F2004 - 19

Existing regulation: Prince William Sound Area – Salmon

CUSTOMARY AND TRADITIONAL USE DETERMINATIONS

Area	Species	Determination
<i>Chitina Subdistrict of the Upper Copper River District.</i>	<i>Salmon</i>	<i>Residents of Cantwell, Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.</i>
<i>Glennallen Subdistrict of the Upper Copper River District.</i>	<i>Salmon</i>	<i>Residents of the Prince William Sound Area and residents of Cantwell, Chisana, Dot Lake, Healy Lake, Northway, Tanacross, Tetlin, Tok and those individuals living along the Alaska Highway from the Alaskan/Canadian border to along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.</i>
<i>Waters of the Copper River between National Park Service regulatory markers located near the mouth of Tanada Creek, and in Tanada Creek between National Park Service regulatory markers identifying the open waters of the creek.</i>	<i>Salmon</i>	<i>Residents of Mentasta Lake and Dot Lake.</i>

Proposed regulation: Prince William Sound Area – Salmon

CUSTOMARY AND TRADITIONAL USE DETERMINATIONS

Area	Species	Determination
<i>Chitina Subdistrict of the Upper Copper River District.</i>	<i>Salmon</i>	<i>Residents of Cantwell, Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Paxson, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.</i>
<i>Glennallen Subdistrict of the Upper Copper River District.</i>	<i>Salmon</i>	<i>Residents of the Prince William Sound Area and residents of Cantwell, Chisana, Dot Lake, Healy Lake, Northway, Paxson, Tanacross, Tetlin, Tok and those individuals living along the Alaska Highway from the Alaskan/Canadian border to along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.</i>
<i>Waters of the Copper River between National Park Service regulatory markers located near the mouth of Tanada Creek, and in Tanada Creek between National Park Service regulatory markers identifying the open waters of the creek.</i>	<i>Salmon</i>	<i>Residents of Mentasta Lake and Dot Lake.</i>

Reason for changing the regulation: There is no current customary use determination. Currently Paxson residents have less opportunity to utilize the resource which they have used for the past 50 years than the residents of Delta Junction who are nearly 100 miles further away. We also have no other viable salmon run nearby.

Effect of change on fish or shellfish populations: Little or none significant – Paxson population is usually maintained at 25-30 residents.

Effect of change on subsistence users: It will allow Paxson residents to more effectively harvest a resource they already access by sharing with other subsistence users.

Communities which have used this resource: Paxson/Sourdough – During salmon runs, (Our documentation is written.)

Where the resource has been harvested: Copper River

When the resource has been harvested: June – August.

Additional Information:

Proposed by: Paxson Fish and Game Advisory Committee, Paxson

PROPOSAL F2004 - 20

Existing regulation: Prince William Sound Area – Freshwater Fish

CUSTOMARY AND TRADITIONAL USE DETERMINATIONS

Area	Species	Determination
<i>Copper River drainage upstream from Haley Creek</i>	<i>Freshwater fish</i>	<i>Residents of Cantwell, Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.</i>

Proposed regulation: Prince William Sound Area – Freshwater Fish

CUSTOMARY AND TRADITIONAL USE DETERMINATIONS

Area	Species	Determination
<i>Copper River drainage upstream from Haley Creek</i>	<i>Freshwater fish</i>	<i>Residents of Cantwell, Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Paxson, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road, and along the Richardson Highway between milepost 169 and milepost 200.</i>

Reason for changing the regulation: No current customary use determination. We can provide written evidence that Paxson area residents have historically used these resources as long as records have been kept.

Effect of change on fish or shellfish populations: Little or none since residents currently obtain State subsistence permits. Paxson population has remained stable for the past 50 years other than a very brief period during pipeline construction and is not projected to change in the future.

Effect of change on subsistence users: It will bring State and Federal regulations into more of an alignment on this issue.

Communities which have used this resource: Paxson/Sourdough – October 1 – April 1.

Where the resource has been harvested: Gulkana River and tributaries (Dickey Lake, Paxson Lake)

When the resource has been harvested: Mostly Whitefish – October – January; Burbot & Lake Trout – October – April.

Additional Information: Whitefish have been traditionally used for dogfood, smoking, and bait for trout in this area. Burbot and lake trout are used for food.

Proposed by: Paxson Fish and Game Advisory Committee, Paxson

PROPOSAL F2004 - 21

Existing regulation: Applicability; Methods, Means, and General Restrictions; and Prince William Sound Area

§ __.27(a)(2) *You may take fish for subsistence uses at any time by any method unless you are restricted by the subsistence fishing regulations found in this section. The harvest limit specified in this section for a subsistence season for a species and the State harvest limit set for a State season for the same species are not cumulative. This means that if you have taken the harvest limit for a particular species under a subsistence season specified in this section, you may not, after that, take any additional fish of that species under any other harvest limit specified for a State season.*

§ __.27(c)(16) *You may not accumulate harvest limits authorized in this section or § __.28 with harvest limits authorized under State regulations.*

Proposed regulation: Applicability; Methods, Means, and General Restrictions; and Prince William Sound Area

§ __.27(a)(2) *You may take fish for subsistence uses at any time by any method unless you are restricted by the subsistence fishing regulations found in this section. The harvest limit specified in this section for a subsistence season for a species and the State harvest limit set for a State season for the same species are not cumulative, **except as modified by regulations in § __.27(i).** This means that if you have taken the harvest limit for a particular species under a subsistence season specified in this section, you may not, after that, take any additional fish of that species under any other harvest limit specified for a State season.*

§ __.27(c)(16) *You may not accumulate harvest limits authorized in this section or § __.28 with harvest limits authorized under State regulations, **except as may be authorized by regulations in § __.27(i).***

§ __.27(i)11(iv). ***In the Copper River drainage upstream from Haley Creek, you may take salmon only in the waters of the Upper Copper River District, or in the vicinity of the Native Village of Batzulnetas. You may accumulate harvest limits authorized for the Copper River drainage upstream from Haley Creek with harvest limits authorized under State of Alaska sport fishing regulations.***

Reason for changing the regulation: The existing regulation prohibits accumulating subsistence and sport fishing harvest limits in the Copper River drainage. This regulation is more restrictive than State of Alaska regulation for these waters. The regulation is confusing and also not well known by subsistence users. The regulation creates the potential for unintentional violations by subsistence users. Changing this regulation will protect subsistence users and provide them with opportunity that is equal to that of users who fish in the Copper River drainage upstream of Haley Creek under State of Alaska regulations.

Effect of change on fish or shellfish populations: This proposal will have no biological impact upon fish or shellfish populations. Sport fisheries are managed by the State of Alaska to protect fish stocks.

Effect of change on subsistence users: This proposal will provide subsistence users with harvest opportunity that is equal to that of users harvesting under state regulation and will protect subsistence users by protecting them from committing unintentional violations of Federal regulation. Subsistence harvest is a higher priority than sport harvest so if a shortage of the fishery resource was to occur, this proposal would have no effect to subsistence users who choose not to participate in State sport fisheries.

Additional Information:

Proposed by: Wrangell-St. Elias National Park Subsistence Resource Commission, Copper Center

PROPOSAL F2004 - 22

Existing regulation: Prince William Sound Area

§ __.27(i)(11)(xiv) *A subsistence fishing permit may be issued to a village council, or other similarly qualified organization whose members operate fish wheels for subsistence purposes in the Upper Copper River District, to operate fish wheels on behalf of members of its village or organization. A permit may only be issued following approval by ADF&G or the Federal Subsistence Board of a harvest assessment plan to be administered by the permitted council or organization. The harvest assessment plan must include: provisions for recording daily catches for each fish wheel; sample data collection forms; location and number of fish wheels; the full legal name of the individual responsible for the lawful operation of each fish wheel; and other information determined to be necessary for effective resource management. The following additional provisions apply to subsistence fishing permits issued under this paragraph (xiv):*

(A) The permit will list all households and household members for whom the fish wheel is being operated;

(B) The allowable harvest may not exceed the combined seasonal limits for the households listed on the permit; the permittee will notify the ADF&G or Federal Subsistence Board when households are added to the list, and the seasonal limit may be adjusted accordingly;

(C) Members of households listed on a permit issued to a village council or other similarly qualified organization are not eligible for a separate household subsistence fishing permit for the Upper Copper River District.

Proposed regulation: Prince William Sound Area

§ __.27(i)(11)(xiv) *A subsistence fishing permit may be issued to a village council, or other similarly qualified organization whose members operate fish wheels for subsistence purposes in the Upper Copper River District, to operate fish wheels on behalf of members of its village or organization. ~~A permit may only be issued following approval by ADF&G or the Federal Subsistence Board of a harvest assessment plan to be administered by the permitted council or organization. The harvest assessment plan must include: provisions for recording daily catches for each fish wheel; sample data collection forms; location and number of fish wheels; the full legal name of the individual responsible for the lawful operation of each fish wheel; and other information determined to be necessary for effective resource management.~~ The following additional provisions apply to subsistence fishing permits issued under this paragraph (xiv):*

*(A) The permit will list all households and household members for whom the fish wheel is being operated. **The permit will identify a person who will be responsible for each fish wheel in a similar manner to a fish wheel owner as described in paragraph (xii);***

(B) The allowable harvest may not exceed the combined seasonal limits for the households listed on the permit; the permittee will notify the ADF&G or Federal Subsistence Board when households are added to the list, and the seasonal limit may be adjusted accordingly;

(C) Members of households listed on a permit issued to a village council or other similarly qualified organization are not eligible for a separate household subsistence fishing permit for the Upper Copper River District;

(D) The permit will include provisions for recording daily catches for each fish wheel; location and number of fish wheels; the full legal name of the individual responsible for the lawful operation of each fish wheel as described in paragraph (xii); and other information determined to be necessary for effective resource management.

Reason for changing the regulation: The requirement for the harvest assessment plan to be approved by the Federal Subsistence Board is an unnecessary burden for both the village and the in-season manager who has the authority to issue the permits but not to approve a harvest assessment plan. A standardized permit for village wheels would simplify and streamline the process and hopefully provide the FSB with more readily useable harvest data.

Effect of change on fish or shellfish populations: None, this proposal will not change the amount of salmon harvested in the Upper Copper River District.

Effect of change on subsistence users: This proposal will make reporting harvest in village fish wheels easier.

Additional Information:

Proposed by: Wrangell-St. Elias National Park Subsistence Resource Commission, Copper Center

PROPOSAL F2004 - 23

Existing regulation: Southeastern Alaska Area – Customary and Traditional Use

CUSTOMARY AND TRADITIONAL USE DETERMINATIONS

Area	Species	Determination
<i>District 2 - North of the latitude of the northern-most tip of Chasina Point and west of a line from the northern-most tip of Chasina Point to the eastern-most tip of Grindall Island to the eastern-most tip of the Kasaan Peninsula</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the City of Kasaan and in the drainage of the southeastern shore of the Kasaan Peninsula west of 132° 20' W. long. and east of 132° 25' W. long.</i>

Proposed regulation: Southeastern Alaska Area – Customary and Traditional Use

CUSTOMARY AND TRADITIONAL USE DETERMINATIONS

Area	Species	Determination
<i>District 2 - North of the latitude of the northern-most tip of Chasina Point and west of a line from the northern-most tip of Chasina Point to the eastern-most tip of Grindall Island to the eastern-most tip of the Kasaan Peninsula</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the City of Kasaan, community of Hollis, and in the drainage of the southeastern shore of the Kasaan Peninsula west of 132° 20' W. long. and east of 132° 25' W. long.</i>

Reason for changing the regulation: Residents of the community of Hollis are not currently included in this positive C&T determination.

Effect of change on fish or shellfish populations: No change, as well monitored harvest limits are currently in place.

Effect of change on subsistence users: A plus for subsistence users of Hollis. Residents of Hollis must currently drive great distance to reach subsistence areas which currently defeats the whole purpose of meaningful harvest.

Communities which have used this resource: Kasaan currently has a positive C&T determination for this area.

Where the resource has been harvested: Harris River, Maybeso Creek, Indian Creek, 12-mile Creek, Karta River

When the resource has been harvested: Winter and spring harvest of steelhead, Sockeye salmon in July, and Coho salmon during the fall months (August through November).

Additional Information: Salmon, trout, and steelhead populations in this area will support a sustainable harvest for residents of the community of Hollis.

Proposed by: Lewis Hiatt, Hollis

PROPOSAL F2004 - 24

Existing regulation: Southeastern Alaska Area – Customary and Traditional Use

CUSTOMARY AND TRADITIONAL USE DETERMINATIONS

Area	Species	Determination
<i>District 2 - North of the latitude of the northern-most tip of Chasina Point and west of a line from the northern-most tip of Chasina Point to the eastern-most tip of Grindall Island to the eastern-most tip of the Kasaan Peninsula</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the City of Kasaan and in the drainage of the southeastern shore of the Kasaan Peninsula west of 132° 20' W. long. and east of 132° 25' W. long.</i>
<i>District 3 - Section 3-A</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the townsite of Hydaburg.</i>
<i>District 3 - Section A</i>	<i>Halibut and bottomfish</i>	<i>Residents of Southeast Area.</i>
<i>District 3 - Section 3-B in waters east of a line from Point Ildefonso to Tranquil Point</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they existed in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they existed in January 1989.</i>
<i>District 3 - Section 3-C in waters of Sarkar Lakes</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they existed in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they existed in January 1989.</i>
<i>Remainder of the Southeastern Alaska Area</i>	<i>Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of Southeastern Alaska and Yakutat Areas.</i>

Proposed regulation: Southeastern Alaska Area – Customary and Traditional Use**CUSTOMARY AND TRADITIONAL USE DETERMINATIONS**

Area	Species	Determination
<i>District 2 - North of the latitude of the northern-most tip of Chasina Point and west of a line from the northern-most tip of Chasina Point to the eastern-most tip of Grindall Island to the eastern-most tip of the Kasaan Peninsula</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the City of Kasaan and in the drainage of the southeastern shore of the Kasaan Peninsula west of 132° 20' W. long. and east of 132° 25' W. long.</i>
<i>District 3 - Section 3-A</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the townsite of Hydaburg.</i>
<i>District 3 - Section A</i>	<i>Halibut and bottomfish</i>	<i>Residents of Southeast Area.</i>
<i>District 3 - Section 3-B in waters east of a line from Point Ildefonso to Tranquil Point</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they existed in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they existed in January 1989.</i>
<i>District 3 - Section 3-C in waters of Sarkar Lakes</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they existed in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they existed in January 1989.</i>
<i>Waters owing into District 2 (remainder), Section 3B (remainder), Section 3C (remainder), District 5 (remainder), and District 6</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of Prince of Wales Island and Edna Bay.</i>
<i>Remainder of the Southeastern Alaska Area</i>	<i>Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of Southeastern Alaska and Yakutat Areas.</i>

Reason for changing the regulation: Residents of the North End of POW Island are not covered by existing C&T's for Prince of Wales Island.

Effect of change on fish or shellfish populations: No change, as well monitored harvest limits are currently in place.

Effect of change on subsistence users: Residents on the North end of Prince of Wales Island would be covered by a C&T.

Communities which have used this resource: All residents of Prince of Wales Island have used these resources.

Where the resource has been harvested: Throughout the above referenced Sections and Districts.

When the resource has been harvested: Winter and spring harvest of steelhead and smelt, Sockeye salmon in July, and Coho salmon during the fall months (August through November).

Additional Information:

Proposed by: Donald Hernandez, Pt. Baker

PROPOSAL F2004 - 25

Existing regulation: Southeastern Alaska Area – Customary and Traditional Use

CUSTOMARY AND TRADITIONAL USE DETERMINATIONS

Area	Species	Determination
<i>District 2 - North of the latitude of the northern-most tip of Chasina Point and west of a line from the northern-most tip of Chasina Point to the eastern-most tip of Grindall Island to the eastern-most tip of the Kasaan Peninsula</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the City of Kasaan and in the drainage of the southeastern shore of the Kasaan Peninsula west of 132° 20' W. long. and east of 132° 25' W. long.</i>
<i>District 3 - Section 3-A</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the townsite of Hydaburg.</i>
<i>District 3 - Section A</i>	<i>Halibut and bottomfish</i>	<i>Residents of Southeast Area.</i>
<i>District 3 - Section 3-B in waters east of a line from Point Ildefonso to Tranquil Point</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they existed in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they existed in January 1989.</i>
<i>District 3 - Section 3-C in waters of Sarkar Lakes</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they existed in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they existed in January 1989.</i>
<i>Remainder of the Southeastern Alaska Area</i>	<i>Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of Southeastern Alaska and Yakutat Areas.</i>

Proposed regulation: Southeastern Alaska Area – Customary and Traditional Use

CUSTOMARY AND TRADITIONAL USE DETERMINATIONS

Area	Species	Determination
<i>District 2 - North of the latitude of the northern-most tip of Chasina Point and west of a line from the northern-most tip of Chasina Point to the eastern-most tip of Grindall Island to the eastern-most tip of the Kasaan Peninsula</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the City of Kasaan and in the drainage of the southeastern shore of the Kasaan Peninsula west of 132° 20' W. long. and east of 132° 25' W. long</i>
<i>District 3 - Section 3-A</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the townsite of Hydaburg.</i>
<i>District 3 - Section A</i>	<i>Halibut and bottomfish</i>	<i>Residents of Southeast Area.</i>
<i>District 3 - Section 3-B in waters east of a line from Point Ildefonso to Tranquil Point</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they existed in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they existed in January 1989.</i>
<i>District 3 - Section 3-C in waters of Sarkar Lakes</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they existed in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they existed in January 1989.</i>
<i>Waters draining into remainder of District 3B, and Districts 3C, 5, and 6</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of Naukati, Whale Pass, Coffman Cove, Lab Bay, Edna Bay, Port Protection, Point Baker, and Lab Bay.</i>
<i>Remainder of the Southeastern Alaska Area</i>	<i>Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of Southeastern Alaska and Yakutat Areas.</i>

Reason for changing the regulation: To protect the subsistence culture and lifestyle that has been sought after and developed within these northern communities and provide the residents with subsistence should the populations become threatened with over harvest, that they would have preference to subsist first in the face of the growing populations and development on the island.

Effect of change on fish or shellfish populations: There should be no impact to the populations; it is a preemptive measure, so that if there were adverse impacts due to over harvesting or unforeseen natural causes, the rural residents would have priority before the tourists, sport fishermen, and commercial fishermen.

Effect of change on subsistence users: Provide the northern communities an area of security for their future and their lifestyles while Southeast Alaska continues to grow in population and the increasing development on the island brings more tourists and sport fisherman and the pressure increases on these valuable resources grow.

Communities which have used this resource: The northern Communities mentioned in the proposed regulation, as well as migrating native use before the logging camps were established.

Where the resource has been harvested: The streams listed in the Steelhead Subsistence List North of Control Lake Junction. I propose a questionnaire to actually catalogue the use of northern communities.

When the resource has been harvested: Harvest depends on the species, weather, and the employment opportunities and season.

Additional Information: Hunting and Fishing Pressure by non-residents on the North side of the Island, Red Bay, Lab Bay, Exchange Cove has increased dramatically in the last 3 years, to the point that residents see more spot-lights and off island trucks than deer (particularly from Ketchikan), and the alpine is quickly filling with flagged trails and trash. What will happen when the ferry is put into Coffman Cove and Petersburg and Wrangell have access?

Proposed by: Brandy Prefontaine, Naukati

PROPOSAL F2004 - 26

Existing regulation: Southeastern Alaska Area – Customary and Traditional Use

CUSTOMARY AND TRADITIONAL USE DETERMINATIONS

Area	Species	Determination
<i>District 3 - Section 3-A</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the townsite of Hydaburg.</i>
<i>District 3 - Section A</i>	<i>Halibut and bottomfish</i>	<i>Residents of Southeast Area.</i>
<i>District 3 - Section 3-B in waters east of a line from Point Ildefonso to Tranquil Point</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they existed in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they existed in January 1989.</i>
<i>District 3 - Section 3-C in waters of Sarkar Lakes</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they existed in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they existed in January 1989.</i>
<i>Remainder of the Southeastern Alaska Area</i>	<i>Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of Southeastern Alaska and Yakutat Areas.</i>

Proposed regulation: Southeastern Alaska Area – Customary and Traditional Use

a)

CUSTOMARY AND TRADITIONAL USE DETERMINATIONS

Area	Species	Determination
<i>District 3 - Section 3-A</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the townsite of Hydaburg.</i>
<i>District 3 - Section A</i>	<i>Halibut and bottomfish</i>	<i>Residents of Southeast Area.</i>
<i>District 3 - Section 3-B in waters east of a line from Point Ildefonso to Tranquil Point</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they existed in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they existed in January 1989.</i>
<i>District 3 - Section 3-C in waters of Sarkar Lakes</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they existed in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they existed in January 1989.</i>
<i>Streams flowing into District 106-30 and 106-35 north of the Sweetwater drainage</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of Whale Pass.</i>
<i>Streams flowing into Districts 106-41, 105-41, and 105-42</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of Pt. Baker/Pt. Protection.</i>
<i>Streams flowing into Districts 103-80 and 103-90 except the Sarkar drainage</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of Naukati.</i>
<i>Remainder of the Southeastern Alaska Area</i>	<i>Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of Southeastern Alaska and Yakutat Areas.</i>

b)

§ ___.27(i)(13)(iv) You may take steelhead trout on Prince of Wales Island only under the terms of Federal subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.

(C) Streams flowing into Districts 103-80, 103-90 except the Sarkar drainage, 105-41, 105-42, 106-30, 106-41, and 106-35 north of the Sweetwater drainage are closed to the harvest of steelhead except by Federally-qualified subsistence users.

Reason for changing the regulation: The steelhead streams within the Whale Pass, Pt. Baker/P. Protection, and Naukati areas are mostly small stocks and cannot sustain large harvest. Restricting harvest to residents of these areas will help maintain the long term sustainability of steelhead in these areas.

Effect of change on fish or shellfish populations: The regulation will help maintain the steelhead stocks in these areas by preventing over harvest of streams located in the proposed C & T use areas.

Effect of change on subsistence users: This regulation will benefit subsistence users living within the proposed C & T use areas by preventing over harvest. The long term sustainability of the steelhead in these areas will be ensured by restricting harvest to residents of these areas.

Communities which have used this resource: The residents of Whale Pass, Pt. Baker/P. Protection, and Naukati have used steelhead stocks in these areas since the founding of these communities.

Where the resource has been harvested: The residents of these communities have harvested steelhead within the proposed C & T use areas.

When the resource has been harvested: Steelhead have been harvested by residents of these communities from November through May.

Additional Information: Residents of Whale Pass, Pt. Baker/P. Protection, and Naukati use steelhead as a winter food source. They commonly share these fish with other residents or barter these fish for other food items.

Proposed by: Gary Souza, Ketchikan

PROPOSAL F2004 - 27

Existing regulation: Southeastern Alaska Area – Customary and Traditional Use

CUSTOMARY AND TRADITIONAL USE DETERMINATIONS

Area	Species	Determination
<i>District 3 - Section 3-A</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the townsite of Hydaburg.</i>
<i>District 3 - Section A</i>	<i>Halibut and bottomfish</i>	<i>Residents of Southeast Area.</i>
<i>District 3 - Section 3-B in waters east of a line from Point Ildefonso to Tranquil Point</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they existed in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they existed in January 1989.</i>
<i>District 3 - Section 3-C in waters of Sarkar Lakes</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they existed in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they existed in January 1989.</i>
<i>Remainder of the Southeastern Alaska Area</i>	<i>Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of Southeastern Alaska and Yakutat Areas.</i>

Proposed regulation: Southeastern Alaska Area – Customary and Traditional Use

a)

CUSTOMARY AND TRADITIONAL USE DETERMINATIONS

Area	Species	Determination
<i>District 3 - Section 3-A</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the townsite of Hydaburg.</i>
<i>District 3 - Section A</i>	<i>Halibut and bottomfish</i>	<i>Residents of Southeast Area.</i>
<i>District 3 - Section 3-B in waters east of a line from Point Ildefonso to Tranquil Point</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they existed in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they existed in January 1989.</i>
<i>District 3 - Section 3-C in waters of Sarkar Lakes</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they existed in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they existed in January 1989.</i>
<i>Streams flowing into District 102-70 and 106-10 south of and including Ratz Creek</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of Thorne Bay.</i>
<i>Streams flowing into Districts 106-10 north of Ratz Creek and 106-30 south of and including the Sweetwater drainage</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of Coffman Cove.</i>
<i>Remainder of the Southeastern Alaska Area</i>	<i>Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of Southeastern Alaska and Yakutat Areas.</i>

b)

§ __.27(i)(13)(iv) *You may take steelhead trout on Prince of Wales Island only under the terms of Federal subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.*

(C) Streams flowing into Districts 102-70, 106-30, south of and including the Sweetwater drainage, and 106-10 are closed to the harvest of steelhead except by Federally-qualified subsistence users.

Reason for changing the regulation: The steelhead streams within the Thorne Bay and Coffman Cove areas are mostly very small stocks and cannot sustain a large harvest. Restricting harvest to residents of these areas will help maintain the long term sustainability of steelhead in these areas.

Effect of change on fish or shellfish populations: The regulation will help maintain the steelhead stocks in these areas by preventing over harvest of streams located within the identified areas.

Effect of change on subsistence users: This regulation will benefit subsistence users living within these areas by preventing over harvest. The long term sustainability of the steelhead stocks in these areas will be ensured by restricting harvest to residents of these areas.

Communities which have used this resource: The residents of Thorne Bay and Coffman Cove have used steelhead stocks in these areas since the founding of these communities.

Where the resource has been harvested: Thorne Bay residents have harvested steelhead in the areas described as well as the residents of Coffman Cove.

When the resource has been harvested: Steelhead are harvested by residents of Thorne Bay and Coffman Cove from November through May.

Additional Information: Residents of both Thorne Bay and Coffman Cove use steelhead as a winter food source. They commonly share these fish with other residents or barter these fish for other food items.

Proposed by: Gary Souza, Ketchikan

PROPOSAL F2004 - 28

Existing regulation: Southeastern Alaska Area – Customary and Traditional Use

CUSTOMARY AND TRADITIONAL USE DETERMINATIONS

Area	Species	Determination
<i>Remainder of the Southeastern Alaska Area</i>	<i>Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of Southeastern Alaska and Yakutat Areas.</i>

Proposed regulation: Southeastern Alaska Area – Customary and Traditional Use

a)

CUSTOMARY AND TRADITIONAL USE DETERMINATIONS

Area	Species	Determination
<i>Waters flowing into Districts 6 and 7</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of Petersburg, Kake, and Wrangell.</i>
<i>Remainder of the Southeastern Alaska Area</i>	<i>Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of Southeastern Alaska and Yakutat Areas.</i>

Reason for changing the regulation: Residents of Wrangell, Kake and Petersburg are being denied their subsistence rights. Residents of Wrangell, Kake, and Petersburg should be included in the C&T for district 6 and 7.

Effect of change on fish or shellfish populations: No change, minimal effect on salmon populations.

Effect of change on subsistence users: Residents of Wrangell, Kake and Petersburg will finally be able to subsistence fish in an area long taken away from them by the State. The C&T request also adds the communities of Wrangell, Kake and Petersburg to the north eastern portions of Prince of Wales Island which is important for salmon and steelhead subsistence harvest to the communities.

Communities which have used this resource: From the days of migration down the Stikine 10,000 years ago until after WWII, the Wrangell and Kake people harvested the resources in these areas. Because of the Stikine people's possessory rights Kake and Petersburg have always been included.

Where the resource has been harvested: The Stikine people claimed a large territory from Behm Canal and Cleveland peninsula northward including Union Bay, all along the mainland shore to approximately 20 miles beyond present day Telegraph Creek, BC—to Cape Fanshaw

southward across Kupreanof Island across Sumner Straits to Red Bay on Prince of Wales Island down to Thorne Bay, and all Islands within this boundary.

When the resource has been harvested: March thru October. In this order as the fish came in to spawn: Eulachon, King Salmon, Steelhead, Sockeye, Humpies, Coho, and Chum. Smelt, Dolly Varden, and Trout throughout March thru October.

Additional Information: Knowledge is passed on to younger generations through doing the activities. We share with elders and others who cannot provide for themselves. Staff should refer to the Goldschmidt and Hass report.

Proposed by: Dick Stokes, Wrangell

PROPOSAL F2004 - 29

Existing regulation: Southeastern Alaska Area – Customary and Traditional Use

CUSTOMARY AND TRADITIONAL USE DETERMINATIONS

Area	Species	Determination
<i>Remainder of the Southeastern Alaska Area</i>	<i>Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of Southeastern Alaska and Yakutat Areas.</i>

Proposed regulation: Southeastern Alaska Area – Customary and Traditional Use

a)

CUSTOMARY AND TRADITIONAL USE DETERMINATIONS

Area	Species	Determination
<i>Waters flowing into District 8 including the Stikine River and its delta</i>	<i>Salmon, Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of Petersburg, Kake, and Wrangell.</i>
<i>Remainder of the Southeastern Alaska Area</i>	<i>Dolly Varden, trout, smelt and eulachon</i>	<i>Residents of Southeastern Alaska and Yakutat Areas.</i>

Reason for changing the regulation: Residents of Wrangell, Kake and Petersburg are being denied their subsistence rights to fish on the Stikine River.

Effect of change on fish or shellfish populations: No change, minimal effect on salmon populations.

Effect of change on subsistence users: Residents of Wrangell, Kake and Petersburg will finally be able to subsistence fish in an area long taken away from them by the State.

Communities which have used this resource: From the days of migration down the Stikine 10,000 years ago until after WWII the Wrangell people harvested the river resources. Because of the Stikine people's possessory rights Kake and Petersburg have always been included.

Where the resource has been harvested: The Stikine people claimed a large territory from Behm Canal and Cleveland peninsula northward including Union Bay, all along the mainland shore to approximately 20 miles beyond present day Telegraph Creek, BC—to Cape Fanshaw southward across Kupreanof Island across Sumner Straits to Red Bay on Prince of Wales Island down to Thorne Bay, and all Islands within this boundary. Favorite spots for Eulachon and salmon were the Stikine delta, Pt. Rothsay, cottonwood slough, 6 mile Pt. (above Rothsay) Grey's Pass, and Babbler Pt.

When the resource has been harvested: March thru October. In this order as the fish came in to spawn: Eulachon, King Salmon, Steelhead, Sockeye, Humpies, Coho, and Chum. Smelt, Dolly Varden, and Trout throughout march thru October.

Additional Information: Used moose, goats, clams, cockles, seaweed, flounders sole, herring, shrimp hooligan and crab. Knowledge is passed on to younger generations through doing the activities. We share with elders and others who cannot provide for themselves. Staff should refer to the Goldschmidt and Hass report. Mr. Stokes has taken Dr. Thomas Thorton to these areas and showed him an old dwelling site just beyond the Canadian Border.

Proposed by: Dick Stokes, Wrangell and Dolly Garza, Ketchikan

PROPOSAL F2004 - 30

Existing regulation: Southeastern Alaska Area

- § __.27(i)(13)(ii) *From July 7 through July 31, you may take sockeye salmon in the waters of the Klawock River and Klawock Lake only from 8 a.m. Monday until 5 p.m. Friday.*
- § __.27(i)(13)(iii) *You must possess a subsistence fishing permit take salmon. You must possess a Federal subsistence fishing permit to take coho salmon, trout or char. You must possess Federal subsistence permit to take steelhead in Hamilton Bay and Kadake Bay Rivers. You must possess a Federal subsistence fishing permit to take eulachon from any freshwater stream flowing into fishing Sections 1-C or 1-D.*
- § __.27(i)(13)(iv) *You may take steelhead trout on Prince of Wales Island only under the terms of Federal Subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.*
- § __.27(i)(13)(v) *In the Southeastern Alaska Area, except for Sections 3A, 3B, and 3C and the Stikine and Taku Rivers, you may take coho salmon in Southeast Alaska waters under Federal jurisdiction under the terms of a Federal subsistence fishing permit. There is no closed season. The daily harvest limit is 20 coho salmon per household, and the annual limit is 40 coho salmon per household. Only dipnets, spears, gaffs, and rod and reel may be used. Bait may only be used from September 15 through November 15. You may not retain incidentally caught trout and sockeye salmon unless taken by gaff or spear.*
- § __.27(i)(13)(vii) *If you take salmon , trout, or char incidentally with gear operated under terms of a subsistence permit for other salmon, they may be kept for subsistence purposes. You must report any salmon, trout, or char taken in this manner on your permit calendar.*
- § __.27(i)(13)(xv) *Only Federally qualified subsistence users may harvest sockeye salmon in streams draining into Falls Lake Bay, Gut Bay, or Pillar Bay. In the Falls Lake Bay and Gut Bay drainages the possession limit is 10 sockeye salmon per household. In the Pillar Bay drainage, the individual possession limit is 15 sockeye salmon with a household possession limit of 25 sockeye salmon.*
- § __.27(i)(13)(xvi)(A) *You may harvest at any time up to 10 Dolly Varden of any size;*
- § __.27(i)(13)(xvi)(B) *You may harvest at any time six cutthroat or rainbow trout in combination. You may only retain fish between 11' and 22". You may only use a rod and reel without bait.*

Proposed regulation: Southeastern Alaska Area

- § __.27(i)(13)(ii) *From July 7 through July 31, you may take sockeye salmon in the waters of the Klawock River and Klawock Lake only from 8 a.m. Monday until 5 p.m. Friday.*

§ ____ .27(i)(13)(iii) **You may take salmon, trout, char and steelhead under the terms of a subsistence fishing permit.** ~~You must possess a Federal subsistence fishing permit to take coho salmon, trout or char. You must possess~~ **may** ~~Federal subsistence permit to take steelhead in Hamilton Bay and Kadake Bay Rivers under the terms of a subsistence fishing permit. You~~ **may must possess a Federal subsistence fishing permit to take eulachon from any freshwater stream flowing into fishing Sections 1-C or 1-D under the terms of a subsistence fishing permit.**

§ ____ .27(i)(13)(iv) **You may take steelhead trout on Prince of Wales Island** ~~only~~ **under the terms of Federal Subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.**

§ ____ .27(i)(13)(v) **In the Southeastern Alaska Area, except for Sections 3A, 3B, and 3C and the Stikine and Taku Rivers, You** ~~may must possess a subsistence fishing permit to take coho salmon in Southeast Alaska waters under Federal jurisdiction under the terms of a Federal subsistence fishing~~ **under the terms of a subsistence fishing permit. There is no closed season. The daily harvest limit is 20 coho salmon per household, and the annual limit is 40 coho salmon per household. Only dipnets, spears, gaffs, and rod and reel may be used. Bait may only be used from September 15 through November 15. You may not retain incidentally caught trout and sockeye salmon unless taken by gaff or spear.**

§ ____ .27(i)(13)(vii) **If you take salmon , trout, or char incidentally with gear operated under terms of a subsistence permit for other salmon, trout or char, they may be kept for subsistence purposes. You must report any salmon, trout, or char taken in this manner on your permit calendar. Harvest and possession limits for incidental species must not exceed those allowed under either sport fish, personal use or subsistence fisheries regulations allowed for that species, time and area.**

§ ____ .27(i)(13)(xv) **Only Federally qualified subsistence users may harvest sockeye salmon in streams draining into Falls Lake Bay, Gut Bay, or Pillar Bay.** ~~In the Falls Lake Bay and Gut Bay drainages the possession limit is 10 sockeye salmon per household. In the Pillar Bay drainage, the individual possession limit is 15 sockeye salmon with a household possession limit of 25 sockeye salmon.~~

§ ____ .27(i)(13)(xvi)(A) **The daily and possession limit is** ~~You may harvest at any time up to 10 Dolly Varden of any size;~~

§ ____ .27(i)(13)(xvi)(B) **The daily and possession limit is** ~~You may harvest at any time six cut-throat or rainbow trout in combination. You may only retain fish between 11' and 22". You may only use a rod and reel without bait unless use of bait is specifically permitted in 5 AAC 47.~~

Reason for changing the regulation: This section (ii) is confusing to qualified and non-qualified users. Suggested changes to sections (iii), (v), and (vii) make this paragraph (ii) unnecessary. The State now issues subsistence fishing permits for eulachon on the Unuk River; we should accommodate their fishery section (iii). These changes (§§ (iv), (v), & (vii)) will

accommodate the use of the new State subsistence fishery regulation for coho. This regulation change (xv) would align Federal subsistence with State personal use and subsistence fishing regulations. Currently State harvest limits exceed the harvest limits that are struck from the regulation. This regulation change (xvi)(A) and (B) would help align Federal subsistence with State sport fishing regulations.

Effect of change on fish or shellfish populations: No change, as well monitored harvest limits are currently in place.

Effect of change on subsistence users: Simplification of federal regulations will improve the understanding of them.

Additional Information:

Proposed by: USDA-Forest Service, Juneau

PROPOSAL F2004 - 31

Existing regulation: Southeastern Alaska Area, Prince of Wales Island - Steelhead

§ __.27(i)(13)(iv) *You may take steelhead trout on Prince of Wales Island only under the terms of Federal Subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.*

(A) The winter season is December 1 through the last day of February, with a harvest limit of 2 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The winter season may be closed when the harvest level cap of 100 steelhead for Prince of Wales Island has been reached. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(B) The spring season is March 1 through May 31, with a harvest limit of 5 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The spring season may be closed prior to May 31 if the harvest quota of 600 fish minus the number of steelhead harvested in the winter subsistence steelhead fishery is reached. You must return your spring season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

Proposed regulation: Southeastern Alaska Area, Prince of Wales Island - Steelhead

§ __.27(i)(13)(iv) *You may take steelhead trout on Prince of Wales Island only under the terms of Federal Subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons. **You must report your steelhead fishing effort and harvest weekly.***

(A) The winter season is December 1 through the last day of February, with a harvest limit of 2 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The winter season may be closed when the harvest level cap of 100 steelhead for Prince of Wales Island has been reached. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(B) The spring season is March 1 through May 31, with a harvest limit of 5 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The spring season may be closed prior to May 31 if the harvest quota of 600 fish minus the number of steelhead harvested in the winter subsistence steel-

head fishery is reached. You must return your spring season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

Reason for changing the regulation: Current regulations require that permits must be returned within 15 days after the end of the winter or spring fisheries. This does not allow for in-season management to prevent over harvest within a given stream or area. Weekly reporting would address this problem.

Effect of change on fish or shellfish populations: The long-term sustainability of steelhead stocks on POW will be ensured through in-season reporting to prevent over harvest and closure of steelhead streams to harvest.

Effect of change on subsistence users: No change will occur other than the need to report effort and harvest on a weekly basis.

Additional Information: The current Federal permits only require a post-season reporting requirement of no more than 15 days following the end of the seasons. Over harvest of individual streams can easily occur with this type of post-season reporting. In-season weekly reporting is the only way to prevent the steelhead stocks from being abused which will result in closures for all users due to lack of fish escaping to spawn.

Proposed by: Gary Souza, Ketchikan

PROPOSAL F2004 - 32

Existing regulation: Southeastern Alaska Area, Prince of Wales Island - Steelhead

§____.27(i)(13)(iv) *You may take steelhead trout on Prince of Wales Island only under the terms of Federal Subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.*

(A) The winter season is December 1 through the last day of February, with a harvest limit of 2 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The winter season may be closed when the harvest level cap of 100 steelhead for Prince of Wales Island has been reached. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(B) The spring season is March 1 through May 31, with a harvest limit of 5 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The spring season may be closed prior to May 31 if the harvest quota of 600 fish minus the number of steelhead harvested in the winter subsistence steelhead fishery is reached. You must return your spring season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

Proposed regulation: Southeastern Alaska Area, Prince of Wales Island - Steelhead

§____.27(i)(13)(iv) *You may take steelhead trout on Prince of Wales Island only under the terms of Federal Subsistence fishing permits. ~~You must obtain a separate permit for the winter and spring seasons.~~ You must obtain a separate permit every month during the winter and spring season until you reach your allotted harvest quota for the winter or spring season. You must return your permit within 5 days of the close of each month within the winter or spring season. Failure to comply with the terms for returning your permit will make you ineligible to receive a future permit for any Federal subsistence fishery.*

(A) The winter season is December 1 through the last day of February, with a harvest limit of 2 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The winter season may be closed when the harvest level cap of 100 steelhead for Prince of Wales Island has been reached. ~~You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery.~~ The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(B) The spring season is March 1 through May 31, with a harvest limit of 5 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The spring season may be closed prior to May 31 if the harvest quota of 600 fish minus the number of steelhead harvested in the winter subsistence steelhead fishery is reached. ~~You must return your spring season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery.~~ The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

Reason for changing the regulation: The current regulation does not allow for adequate in season management. Under the current regulation a permit holder has 15 days after the close of the season to return their permit. Fisheries managers conceivably will not know the number of steelhead harvested up to 105 days after both the winter or spring season. How can anyone properly manage the fishery with this regulation ? Conceivably more steelhead can get harvested that the allotted quota (over harvest), and the ability to adjust harvest to current conditions is taken away from the fisheries manager (e.g. poor returns).

Effect of change on fish or shellfish populations: None. It allows for better management of the fishery and reduces the potential for over harvest.

Effect of change on subsistence users: It will make the permitting/reporting process slightly more inconvenient for the subsistence user, but if the subsistence user really cares about the management of this fishery, then they will put up with some inconvenience. Precedence for this type of proposal has taken place in the Situk River steelhead fishery near Yakutat. In Yakutat, permits are issued on a 30 day basis.

Additional Information:

Proposed by: Jim Beard, Thorne Bay

PROPOSAL F2004 - 33

Existing regulation: Southeastern Alaska Area, Prince of Wales Island - Steelhead

§____.27(i)(13)(iv) *You may take steelhead trout on Prince of Wales Island only under the terms of Federal Subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.*

(A) The winter season is December 1 through the last day of February, with a harvest limit of 2 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The winter season may be closed when the harvest level cap of 100 steelhead for Prince of Wales Island has been reached. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(B) The spring season is March 1 through May 31, with a harvest limit of 5 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The spring season may be closed prior to May 31 if the harvest quota of 600 fish minus the number of steelhead harvested in the winter subsistence steelhead fishery is reached. You must return your spring season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

Proposed regulation: Southeastern Alaska Area, Prince of Wales Island - Steelhead

§____.27(i)(13)(iv) *You may take steelhead trout on Prince of Wales Island **and Kosciusko Island** only under the terms of Federal Subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.*

(A) The winter season is December 1 through the last day of February, with a harvest limit of 2 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The winter season may be closed when the harvest level cap of 100 steelhead for Prince of Wales Island has been reached. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(B) The spring season is March 1 through May 31, with a harvest limit of 5 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The spring season may be closed prior to May 31 if the harvest quota of 600 fish minus the number of steelhead harvested in the winter subsistence steelhead fishery is reached. You must return your spring season permit within 15 days of the

close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

Reason for changing the regulation: The current regulation, as worded, only provides for harvest on Prince of Wales Island. It does not allow for residents of Edna Bay to legally fish the nearby systems found on Kosciusko Island. Also, the recent household surveys of the late 1990's, indicates that Edna Bay's trout harvest comes from systems on Kosciusko.

Effect of change on fish or shellfish populations: Impact should be very minimal, as Edna Bay's recent population census was 49 residents. These systems are of remote access to other Prince of Wales communities.

Effect of change on subsistence users: This change will definitely benefit the residents of Edna Bay.

Additional Information:

Proposed by: Mike Douville, Craig

PROPOSAL F2004 - 34

Existing regulation: Southeastern Alaska Area

§ __.27(i)(13 (ix) *You shall immediately remove the pelvic fins of all salmon when taken.*

(x) *You may not possess subsistence-taken and sport-taken salmon on the same day.*

Proposed regulation: Southeastern Alaska Area

§ __.27(i)(13 (ix) *You shall immediately remove the pelvic fins of all salmon, trout, and char when taken.*

(x) *You may not possess subsistence-taken and sport-taken salmon, **trout, and char** on the same day.*

Reason for changing the regulation: I believe the intent of subsistence fishing is to take fish for subsistence use, not to try to double up on limits for both subsistence and sport fish. The current way the Provision and Regulation reads does not allow one to possess subsistence-taken and sport-taken salmon in the same day, but appears to allow both subsistence-taken and sport-taken trout and char in the same day. This appears to be a loophole, and a house keeping agenda item in the regulations.

By also including a subsistence marking for trout and char, the removal of pelvic fins, it makes it clear that a person is subsistence fishing only. This should make it easier for law enforcement to prosecute those individuals who are doing both, by having it clearly, and concisely spelled out in the regulations. Moreover, this will limit wasting valuable law enforcement and subsistence user time in case preparation, testimony, and court time.

Effect of change on fish or shellfish populations: This will be a positive impact on trout and char populations. This will reduce over harvest of these populations.

Effect of change on subsistence users: It won't allow subsistence users to "double-dip" and take both subsistence and sport caught fish in the same day, and vice versa for rural sportfish residents.

Additional Information:

Proposed by: Jim Beard, Thorne Bay

PROPOSAL F2004 - 35

Existing regulation: Southeastern Alaska Area, Prince of Wales Island - Steelhead

§____.27(i)(13)(iv) *You may take steelhead trout on Prince of Wales Island only under the terms of Federal Subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.*

(A) The winter season is December 1 through the last day of February, with a harvest limit of 2 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The winter season may be closed when the harvest level cap of 100 steelhead for Prince of Wales Island has been reached. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(B) The spring season is March 1 through May 31, with a harvest limit of 5 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The spring season may be closed prior to May 31 if the harvest quota of 600 fish minus the number of steelhead harvested in the winter subsistence steelhead fishery is reached. You must return your spring season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

Proposed regulation: Southeastern Alaska Area, Prince of Wales Island - Steelhead

§____.27(i)(13)(iv) *You may take steelhead trout on Prince of Wales Island only under the terms of Federal Subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.*

(A) The winter season is December 1 through the last day of February, with a harvest limit of 2 fish, 36" or larger per household. You may use only a dip net, ~~spear~~, or rod and reel with artificial lure or fly. You may not use bait. The winter season may be closed when the harvest level cap of 100 steelhead for Prince of Wales Island has been reached. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(B) The spring season is March 1 through May 31, with a harvest limit of 5 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The spring season may be closed prior to May 31 if the harvest quota of 600 fish minus the number of steelhead harvested in the winter subsistence steelhead fishery is reached. You must return your spring season permit within 15 days of the

close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

Reason for changing the regulation: Current Federal Steelhead regulations do not allow enough protection to ensure the long-term sustainability of fall-run steelhead populations. Currently on POW, a total of 13 fall-run steelhead streams are open with a household limit of 2, no size limit, and use of spears. These streams need additional protection to ensure the long-term sustainability of the limited fall-run population.

Effect of change on fish or shellfish populations: Adoption of this proposal will protect the limited number of fall-run steelhead populations from over harvest and help ensure their long-term sustainability.

Effect of change on subsistence users: Subsistence users will still be allowed to harvest fall-run steelhead but with restrictions that will help ensure the long-term sustainability of this very limited resource on POW.

Additional Information: Fall-run steelhead are not as important to subsistence users as spring-run steelhead. POW subsistence users have access to large runs of coho salmon during the fall which means any steelhead harvested in the fall is supplemental to coho use.

Proposed by: Gary Souza, Ketchikan

PROPOSAL F2004 - 36

Existing regulation: Southeastern Alaska Area, Prince of Wales Island - Steelhead

§____.27(i)(13)(iv) *You may take steelhead trout on Prince of Wales Island only under the terms of Federal Subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.*

(A) The winter season is December 1 through the last day of February, with a harvest limit of 2 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The winter season may be closed when the harvest level cap of 100 steelhead for Prince of Wales Island has been reached. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(B) The spring season is March 1 through May 31, with a harvest limit of 5 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The spring season may be closed prior to May 31 if the harvest quota of 600 fish minus the number of steelhead harvested in the winter subsistence steelhead fishery is reached. You must return your spring season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

Proposed regulation: Southeastern Alaska Area, Prince of Wales Island - Steelhead

§____.27(i)(13)(iv) *You may take steelhead trout on Prince of Wales Island only under the terms of Federal Subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons. **For all streams on Prince of Wales Island with estimated steelhead populations of 100 or less or with no estimate population, the minimum size limit is 36" with an annual household limit of 2 fish. Use of spears is not allowed.***

(A) The winter season is December 1 through the last day of February, with a harvest limit of 2 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The winter season may be closed when the harvest level cap of 100 steelhead for Prince of Wales Island has been reached. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(B) The spring season is March 1 through May 31, with a harvest limit of 5 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The spring season may be closed prior to May 31 if the harvest

quota of 600 fish minus the number of steelhead harvested in the winter subsistence steelhead fishery is reached. You must return your spring season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

Reason for changing the regulation: Currently, 50 small streams have been identified on POW with steelhead populations of 100 or less or no estimate. 2003 Federal regulations only protect 21 of these streams, leaving 6 road accessible and 23 remote small streams available to harvest of 5 per household, no size limit, and spears allowed. This will allow over harvest to occur in these small streams.

Effect of change on fish or shellfish populations: Protecting all small streams on POW with populations 100 or less or no estimate will ensure the long-term sustainability of these extremely sensitive stocks.

Effect of change on subsistence users: Adoption of this proposal will ensure the long-term sustainability of small steelhead populations on POW and prevent the need to close these streams due to over harvest.

Additional Information: Small steelhead streams on POW whether accessed by road, hiking, boat, or plane can be easily over harvested. Protection of these streams with more conservative regulations is biologically sound and easily justified.

Proposed by: Gary Souza, Ketchikan

PROPOSAL F2004 - 37

Existing regulation: Southeastern Alaska Area, Prince of Wales Island - Steelhead

§____.27(i)(13)(iv) *You may take steelhead trout on Prince of Wales Island only under the terms of Federal Subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.*

(A) The winter season is December 1 through the last day of February, with a harvest limit of 2 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The winter season may be closed when the harvest level cap of 100 steelhead for Prince of Wales Island has been reached. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(B) The spring season is March 1 through May 31, with a harvest limit of 5 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The spring season may be closed prior to May 31 if the harvest quota of 600 fish minus the number of steelhead harvested in the winter subsistence steelhead fishery is reached. You must return your spring season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

Proposed regulation: Southeastern Alaska Area, Prince of Wales Island - Steelhead

§____.27(i)(13)(iv) *You may take steelhead trout on Prince of Wales Island only under the terms of Federal Subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons. For all streams on Prince of Wales Island, the minimum size limit is 36" with an annual household limit of 2 fish.*

(A) The winter season is December 1 through the last day of February, ~~with a harvest limit of 2 fish per household.~~ You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The winter season may be closed when the harvest level cap of 100 steelhead for Prince of Wales Island has been reached. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(B) The spring season is March 1 through May 31, ~~with a harvest limit of 5 fish per household.~~ You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The spring season may be closed prior to May 31 if the harvest quota of 600 fish minus the number of steelhead harvested in the winter subsistence steel-

head fishery is reached. You must return your spring season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

Reason for changing the regulation: To make responsible decisions without downstream consequences we may regret. Go back to state regulation of 2 steelhead over 36 inches per year. Possibly go to 2 fish under 30 inches instead. Provide documentation to back-up decision.

Effect of change on fish or shellfish populations: It may preserve steelhead populations for future users (i.e., children and grandchildren).

Effect of change on subsistence users: None, because steelhead were never a major subsistence fish anyways.

Additional Information: It may be noted that USFS and ADFG has very limited data on steelhead on POW's major rivers, and none on the smaller drainages. Perhaps we should get some data before making major changes!

Proposed by: William Welton, Thorne Bay

PROPOSAL F2004 - 38

Existing regulation: Southeastern Alaska Area, Prince of Wales Island - Steelhead

§____.27(i)(13)(iv) *You may take steelhead trout on Prince of Wales Island only under the terms of Federal Subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.*

(A) The winter season is December 1 through the last day of February, with a harvest limit of 2 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The winter season may be closed when the harvest level cap of 100 steelhead for Prince of Wales Island has been reached. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(B) The spring season is March 1 through May 31, with a harvest limit of 5 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The spring season may be closed prior to May 31 if the harvest quota of 600 fish minus the number of steelhead harvested in the winter subsistence steelhead fishery is reached. You must return your spring season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

Proposed regulation: Southeastern Alaska Area, Prince of Wales Island - Steelhead

§____.27(i)(13)(iv) *You may take steelhead trout on Prince of Wales Island only under the terms of Federal Subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.*

*(A) The winter season is December 1 through the last day of February, with a harvest limit of 2 fish per household. You may use only a dip net, spear **with a barbed tip**, or rod and reel with artificial lure or fly. You may not use bait. The winter season may be closed when the harvest level cap of 100 steelhead for Prince of Wales Island has been reached. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.*

*(B) The spring season is March 1 through May 31, with a harvest limit of 5 fish per household. You may use only a dip net, spear **with a barbed tip**, or rod and reel with artificial lure or fly. You may not use bait. The spring season may be closed prior to May 31 if the harvest quota of 600 fish minus the number of steelhead harvested in the winter subsistence steelhead fishery is reached. You must return your spring season permit*

within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

Reason for changing the regulation: The current regulation allows the take of steelhead using a spear. There is no description or requirements for what is a spear. A spear can be anything from a three or four pronged “trident style” or “pitch fork style” spear to a single pointed, sharpened stick. Without a barb at the tip of a spear, a fish can easily wiggle off the spear, and the fish is more than likely mortally wounded and will die. With a barbed tip, a fish is likely to be retained on the spear and not escape to die.

Effect of change on fish or shellfish populations: This will have a positive effect. This will reduce unnecessary mortality in the steelhead population. Unnecessary mortality in the steelhead population may lead to a conservation concern.

Effect of change on subsistence users: It will become a small inconvenience to obtain a “legal” spear. It will require those subsistence holders who own spears without barbed tips, to obtain a spear that has a barbed tip.

Additional Information:

Proposed by: Jim Beard, Thorne Bay

PROPOSAL F2004 - 39

Existing regulation: Southeastern Alaska Area, Prince of Wales Island - Steelhead

§____.27(i)(13)(iv) *You may take steelhead trout on Prince of Wales Island only under the terms of Federal Subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.*

(A) The winter season is December 1 through the last day of February, with a harvest limit of 2 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The winter season may be closed when the harvest level cap of 100 steelhead for Prince of Wales Island has been reached. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(B) The spring season is March 1 through May 31, with a harvest limit of 5 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. The spring season may be closed prior to May 31 if the harvest quota of 600 fish minus the number of steelhead harvested in the winter subsistence steelhead fishery is reached. You must return your spring season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

Proposed regulation: Southeastern Alaska Area, Prince of Wales Island - Steelhead

§____.27(i)(13)(iv) *You may take steelhead trout on Prince of Wales Island only under the terms of Federal Subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.*

*(A) The winter season is December 1 through the last day of February, with a harvest limit of 2 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. **Spears may only be used in District 3, Sections 3-A and 3-B.** The winter season may be closed when the harvest level cap of 100 steelhead for Prince of Wales Island has been reached. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.*

*(B) The spring season is March 1 through May 31, with a harvest limit of 5 fish per household. You may use only a dip net, spear, or rod and reel with artificial lure or fly. You may not use bait. **Spears may only be used in District 3, Sections 3-A and 3-B.** The spring season may be closed prior to May 31 if the harvest quota of 600 fish minus*

the number of steelhead harvested in the winter subsistence steelhead fishery is reached. You must return your spring season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

Reason for changing the regulation: The current regulation allows the take of steelhead using a spear on Prince of Wales Island. The use of spears was proposed by Native Alaskans, primarily from District 3, Sections 3-A and 3-B, to continue historical customs and traditions (at least last 50 yrs). Use of spears to take steelhead by the human population outside of this area (last 50 yrs) is not a standard custom or tradition. The current regulation artificially creates this as a gear type.

Effect of change on fish or shellfish populations: This will have a positive effect. Fish will only be harvested by spear in areas which historically (last 50 yrs) used spears. This will likely reduce unnecessary mortality in the steelhead population, as fish can escape from spears. Unnecessary mortality in the steelhead population may lead to a conservation concern.

Effect of change on subsistence users: This will not artificially create a gear use where it has historically not been utilized (last 50 yrs). Fish will only be harvested by spear in areas which historically (last 50 yrs) used spears. Subsistence users outside District 3, Sections 3-A and 3-B, will not be able to use spears.

Additional Information:

Proposed by: Jim Beard, Thorne Bay

PROPOSAL F2004 - 40

Existing regulation: Southeastern Alaska Area – Stikine River, Salmon

No provision for harvest in the Stikine River.

Proposed regulation: Southeastern Alaska Area – Stikine River, Salmon

§ ____ .27(i)(13)(--) *In the mainstem of the Stikine River:*

(A) You may take chinook salmon from June 1 – July 20. The annual limit is 5 chinook salmon per household. Only dipnets, spears, gaffs, rod and reel, beach seine, or gillnet not exceeding 15 fathoms in length with mesh size no larger than 5½ inches may be used.

(B) You may take sockeye salmon from June 15 – July 31. The annual limit is 40 sockeye salmon per household. Only dipnets, spears, gaffs, rod and reel, beach seine, or gillnet not exceeding 15 fathoms in length with mesh size no larger than 5½ inches may be used.

(C) In the mainstem of the Stikine River , you may take coho salmon from August 15 – October 1. The annual limit is 20 coho salmon per household. Only dipnets, spears, gaffs, rod and reel, beach seine, or gillnet not exceeding 15 fathoms in length with mesh size no larger than 5½ inches may be used.

Reason for changing the regulation: Residents of Wrangell, Kake, and Petersburg are being denied their subsistence rights to salmon on the Stikine River.

Effect of change on fish or shellfish populations: No change, minimal effect on salmon populations.

Effect of change on subsistence users: Residents of Wrangell, Kake, and Petersburg will finally be able to subsistence fish in an area long taken away from them by the State.

Additional Information:

Proposed by: Dick Stokes, Wrangell and Dolly Garza, Ketchikan

